

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19396 of 2019

Subhash Chandra Poddar S/o Shankar Poddar R/o Vill- Katiyama, P.S.-
Rajaun, District- Banka.

... .. Petitioner

Versus

1. State of Bihar through Secretary, Department of Agriculture, Bihar, Patna.
2. Secretary, Department of Agriculture, Bihar, Patna.
3. The District Magistrate cum Collector, Banka, at Banka.
4. The District Agriculture Officer, Banka, at Banka.
5. The Block Agriculture Officer, Rajaun Block, Rajaun, District- Banka.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Amresh Kumar Sinha, Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kr. Prasad (Gp14)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-11-2019 The petitioner in the present case is aggrieved by and dissatisfied with the direction issued by the District Agriculture Officer, Banka (respondent no. 4) to the Officer Incharge of Rajaun Police Station vide letter no. 681 dated 14.06.2019 directing him not only to lodge a first information report for the alleged violation of the provisions of the Seeds Act, 1966 (hereinafter referred to as the 'Act of 1966') and the Rules framed thereunder but has also informed that the godown in question has already been sealed. A prayer has been made to direct respondent no. 4 to unseal the godown premises of the petitioner.

Learned Senior Counsel representing the Petitioner submits that the rice mill of Dewanand Poddar was inspected by



one Block Agriculture Officer, Rajaun where he was informed that seeds are being packed in the name of Achala Brand. A show cause was issued to said Dwanand Poddar. On receipt of the show cause notice, one Sintu Kumar informed the authorities that his work in rice mill has been closed down and the mill has been given on rent to Shubhankar Raj Pvt. Ltd. through this petitioner who is the director of the said company and a rent agreement has been executed between the parties. Thereafter, the documents were sought from the petitioner and the petitioner claims that he had provided those documents.

The allegation against the petitioner is that he was using the Tag of Achala West Bengal without taking permission from the Seeds Certificate Agency and therefore, he was violating the Rule 13 of the Seeds Rule, 1968 (hereinafter referred to as the 'Rules of 1968').

Rule 13 of the Rules of 1968 provides that no person shall sell, keep for sale, offer to sell, barter or otherwise supply any seed of any notified kind or variety, after the date recorded on the container, mark or label as the date upto which the seed may be expected to retain the germination not less than that prescribed under clause (a) of Section 6 of the Act. There are other prohibition under Rule '13' with regard to the sample of seed kept.

Learned Senior Counsel for the petitioner submits that



the respondent no. '4' has sealed the godown itself which is beyond the authority of law. Attention of this Court has been drawn towards Section 14 of the Seeds Act, 1966 which prescribes the powers of Seed Inspector. It is submitted that under the said provision it is the Seed Inspector who can enter and search any place in which he has reason to believe that an offence under the Act has been or is being committed.

Learned Senior Counsel submits that in the given facts and circumstances which are prescribed under Section 14 of the Act of 1966, the Seed Inspector may seize the stock of the seed and may take all such other action which may be required for the purpose of the Act. It is submitted that there is no provision under the Act of 1966 which empowers sealing of the premises.

In this connection, learned Senior Counsel has placed before this Court a judgment of this Court in the case of **Muneshwar Singh Vs. The State of Bihar & Anr.** reported in **2001 (2) PLJR 265** to submit that in the said case this Court has, upon taking note of the fact that the District Agriculture Production Commissioner or the District Agriculture Officer, Patna were not empowered under the provisions of the Act to seal the premises, directed the respondents to unseal the business premises of the petitioner in the said case.

Learned counsel for the State, though initially opposed



the writ application but after going through the judgment of this Court submits that this case is covered by the said judgment.

In the given facts and circumstances of the case where this Court finds that the petitioner has been able to demonstrate that respondent no. '4' has no authority of law to seal the godown of the petitioner, this Court directs respondent no. '4' to unlock /unseal the godown of the petitioner and hand over possession thereof to the petitioner within a period of three days from the date of receipt/production of a copy of this order.

The direction to unseal and handing over possession of the godown shall, however, not come in the way of the competent authority under the Act of 1966 to take such other measure/measures as may be required in terms of the provisions of the Act and Rules framed thereunder.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

