

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 4568 of 2019

Mohammed Salim S/o Mohammad Harun Aged About 57 Years Proprietor Salim and Company, R/o Near Andhra Bank, House No. 230 Mainroad Keshkal, District Kondagaon, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Food and Civil Supplies Department, Mantralaya, Mahanadi Bhwan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Collector Balod District Balod Chhattisgarh.
3. Sachiv, Krishi Upaj Mandi Samiti Balod District Balod Chhattisgarh.
4. Sub Divisional Officer Revenue, Balod District Balod Chhattisgarh.

---Respondents

For Petitioner	:	Shri Mazid Ali, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General along with Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.12.2019.

1. The claim of the petitioner in this petition is on two folds; firstly the seizure of the vehicle belonging to the petitioner on 21.11.2019 loaded with paddy on it and secondly seeking for a direction to the Collector, Balod to consider and decide the representation that the petitioner has made for release of the paddy and vehicle after granting opportunity of hearing to the petitioner.
2. At the outset, this court is of the opinion that the action under challenge is one which has been initiated under the provisions of the Chhattisgarh Krishi Upaj Mandi Adhiniyam, 1972 (in short, the Act). Under Section 23 of the said Act, the authorities concerned have been empowered with, to stop the vehicle and also to seize the produce on the said vehicle, if the authorities concerned has reasons to believe that the paddy is being brought into or taken out or proposed to be taken out of the market area and that any fee and other amount due under the Act has not been paid.

3. The procedure drawn seems to have been that which is conferred under Section 23 of the Act. Sub section 4 of the said Act clearly envisages the remedy open for the persons in such a situation. For ready reference Sub Section (4) of Section 23 of the Act is reproduced hereinunder:

“4. The provisions of Sections 100,457,458 and 459 of the Code of Criminal Procedure, 1973 (No.2 of 1974) shall, apply to entry search and seizure under Sub Section (1),(2) and (3) as they apply in relation to the entry search and seizure of property by police officer. Such seizure shall forthwith be reported by the person aforesaid to a Magistrate having jurisdiction to try the offence under this Act.”

4. Given the said facts that there is already a remedy provided under the Act itself, this court is of the opinion that the writ petition for the same relief would not be maintainable.
5. Accordingly, reserving the right of the petitioner for availing the appropriate remedy under Sub Section (4) of Section 23 of the Act, the present writ petition stands disposed of. Meanwhile, the respondent authorities would also be at liberty to decide the representation which the petitioner has made, in accordance with law at the earliest.

Sd/-
(P. Sam Koshy)
Judge

inder