

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 596 of 2020**

Harish Ganjir S/o Ramdas Ganjir Aged About 44 Years Resident Of
Village Riwagahan, Post Kherthabazar, Tahsil Doundilohara, District
Balod Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Cooperative Societies, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Collector Balod, District Balod Chhattisgarh
3. Additional Collector Balod, District Balod Chhattisgarh
4. Tahsildar Doundilohara, District Balod Chhattisgarh
5. President/Manager Adim Jati Seva Sahkari Samiti, Pinkapar, District Balod Chhattisgarh **----Respondents**

For Petitioner	: Shri Shikhar Sharma Adv.
For State	: Shri P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/02/2020**

1. The relief sought for by the petitioner in the present writ petition is for an appropriate direction to the respondents to release 110 bags of paddy seized by the respondents on 13.12.2019.
2. Further relief sought for by the petitioner is also for an appropriate direction to the respondents to purchase aforementioned paddy on agreed price fixed by the State Govt., in case, if the paddy is not delivered to the petitioner before 15.02.2020.
3. At the outset, this Court is of the opinion that the procedure for seizure of the paddy has been done invoking the provision under Section 23 (2) and (3) of the Chhattisgarh Krishi Upaj Mandi Adhiniyam, 1972. Sub-section 4 of section 23 clearly mentions the provisions and remedies available for the petitioner, which is the procedure as prescribed under the provisions of Cr.P.C. For ready

reference, sub-section 4 of Section 23 of the Act, 1972 is reproduced hereinunder:-

“(4) The provisions of section, 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. In view of the same, aforesaid specific provisions of law applicable, this Court is of the opinion that it could not be proper for the High Court to entertain the said writ petition at this juncture, the writ petition accordingly stands disposed of.
5. However, in the event, if the petitioner approaches the concerned Court for release of the same, the authorities concerned shall consider the same on top priority basis considering the facts that this paddy has to be sold to the State within a stipulated period.

Certified Copy Today

Sd/-

(P. Sam Koshy)
Judge