

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7305 of 2020

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Md. Saddam S/o Md. Sahadat Miya resident of village and post- Sattaur
Narayanpur, P.S. Navhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Saharsa.
2. The D.T.O., Saharsa.
3. The District Food and Civil Supply Officer, Saharsa.
4. The Sub- Divisional Officer, Sadar, District- Saharsa.
5. The Office In-charge (S.H.O.), Navhatta, P.S. District- Saharsa.
6. Block Supply Officer cum Block Development Officer, Navhatta.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Shahnawaz Ali
For the Respondent/s	:	Mr.Lalit Kishore (Ag)
	:	Mr. Prashant Pratap (GP 2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-02-2021

At the outset, it is pertinent to mention that this Court, by an order dated 08.02.2021, had issued a show cause notice to the learned Sub Divisional Judicial Magistrate, Saharsa as to under what circumstance, the order of this Court had not been complied and the records of the connected case i.e. Special Case no. 07 of 2019 were not transmitted to this Court, in response whereof, the In-charge S.D.J.M. Saharsa has submitted his reply/ clarification vide letter dated 11.02.2021. This Court finds the reply submitted by the learned S.D.J.M. Saharsa to be satisfactory, hence the proceedings if any against him, stands



dropped.

Now coming to the merits of the case, it appears that the present writ petition was initially filed for release of the tractor and trailer in question which had been seized in connection with Navhatta PS case no. 47 of 2019, registered under Section 7 of the Essential Commodities Act, 1955, however during the interregnum period, the learned Collector, Saharsa has passed the final order dated 11.05.2020 in Confiscation case no. 03 of 2019, hence the learned counsel for the petitioner seeks to file appropriate appeal against the said order dated 11.05.2020 under Section 6 (C) of the Essential Commodities Act-1955, before the appellate authority.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off as not pressed, however with liberty to the petitioner to file an appropriate appeal under Section 6 (C) of the E.C. Act before the appellate authority against the order dated 11.05.2020, passed by the learned Collector, Saharsa. It is needless to state that in case, an appeal is filed within a period of 02 weeks from today, the appellate authority shall consider the same on merits, in accordance with law, without being impeded by the issue of limitation and shall dispose off the same within a period of two



months thereafter, after providing appropriate opportunity of hearing to the petitioner.

(Mohit Kumar Shah, J)

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