

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8530 of 2021

=====

Nitish Kumar Poddar Son of Kailash Poddar Resident of ward no. three,
Chhoti Balia, Upper Tola, Nagar panchayat, Balia, Police Station- Ballia,
District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna
2. The District Magistrate cum Collector, Begusarai, District- Begusarai
3. Sub Divisional Officer, Balia, P.S. Ballia, District- Begusarai
4. The Officer in Charge, Balia, P.S.- Ballia, District- Begusarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SANJEEV PRAKASH

SHARMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“1. (i) That the present writ application is being filed in the nature of Mandamus for release of 30 quintals of rice which has been seized in connection with Balia P.S. case No. 13 of 2021 registered for the offences under section 409, 34 of the Indian penal code and under section 7 of the Essential Commodities Act, 1955; on the ground that the police authorities has registered the FIR without verifying the fact



that the seized food grains belong to the petitioner;

(ii) For any other relief/reliefs for which the petitioner is entitled for.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall file a representation before Respondent No. 2 namely the District Magistrate cum Collector, Begusarai, District Begusarai and Respondent No. 3, namely Sub-Divisional Officer, Balia, P.S. Ballia, District Begusarai respectively within a period of four weeks from today for



redressal of the grievance(s);

(b) The said respondents shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2022
Transmission Date	

