

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8684 of 2021

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Sitaram Sah son of late Shankar Sah, Resident of village- Ram Tola Dostpur,
P.S.- Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Madhubani.
3. The Block Supply Officer, Rajnagar, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Manoj Kumar Pandey, Adv. Mr.Dhananjaya Nath Tiwari, Adv.
For the State	:	Mr. Arvind Ujjwal, S.C.-4, Mr. U.P. Singh, A.C to S.C.-4
For the Respondent/s	:	Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 The petitioner prays for the following relief:-

“For quashing the notice dated 08.12.2020 issued in Supply Confiscation Case No. 49/2020-21 by Incharge District Legal Cell, Madhubani asking the petitioner to show cause why not 1200 bags of rice each of 50 Kg. be confiscated under Section 6A of the E.C. Act and/or for release of the seized 1200 bags of rice in favour of the petitioner to the satisfaction of the learned Collector, Madhubani on furnishing sufficient surety.”

We notice that the Confiscation Case No. 49 of 2020-21 was initiated against the petitioner and petitioner was issued notice to show cause as to why 1200 bags of rice, each weighing 50 k.g. be not confiscated under Section 6A of the Essential Commodities Act.

The petitioner invites our attention to the order dated 23rd December, 2021 passed by a Coordinate Bench of this Court.

We notice that the said order cannot be a binding precedent as it has only allowed the petitioner to represent and nothing more.

We are informed that, undisputedly, confiscation proceedings are pending before the appropriate authority.

We are in agreement with the submission made on behalf of the State that the present petition is pre-mature inasmuch as the Confiscatory Authority has to adjudicate the lis in accordance with law.

As such, we dispose of the present petition with the direction to the authorities to positively decide the proceeding expeditiously, in accordance with law and we request the authority to do so positively within a period of three months from the date of production of a copy of this order for which

proceedings were initiated way back in December, 2020.

Should the need so arise, liberty is reserved to the petitioner to take recourse to the remedies as provided under the Essential Commodities Act.

The writ petition is disposed of with the aforesaid direction.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

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