

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12994 of 2021

Umashankar Singh Son of Late Ramachhabila Singh Resident of Village-
Jhajhaur, P.O.- Jamuaon, P.S.- Guthani, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Civil Supply Department, Bihar, Patna.
2. The District Collector Banka.
3. The S.D.O. Banka.
4. The Block Supply Officer Barahat.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh. Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 12-01-2022 Petitioner has prayed for the following relief(s):

“(i) For, quashing of the order dated 11.05.2020 passed in Confiscation (Supply) Case No. 67/2020-21 whereby and whereunder, the respondent No. 2 has confiscated the TATA Truck No. UP-52T-3828 of the petitioner, seized in connection with Banka (Barahat) PS case no 314/2020, without deciding the matter whether the seized food grain is of the government scheme or not.

(ii) For, issuing a writ in the nature of mandamus



for not releasing the truck of the petitioner although the transportation documents have been produced.

(iii) For declaring that in the admitted facts and circumstances of the case and materials available on record the petitioner was not involved in black marketing of food grains.

(iv) For, any other relief or consequential reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

After some argument, learned counsel for the petitioner, under instruction, submits that petitioner shall be content if a direction is issued to the concerned revisional authority to consider and decide the revision to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of six months from the date of its filing.

Shri S. Raza Ahmad, learned A.A.G. 5, states that if such a revision is filed within the time stipulated above, limitation shall not be allowed to come in the way of its consideration and decision on merits since the petitioner has been pursuing remedies before this Hon’ble Court.

Statement accepted and taken on record.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.



Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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

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.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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