

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18272 of 2021

1. Sivdani Kumar @ Shivdani Yadav S/o Bhola Yadav R/Vill.-Karki, P.S.-Ariari, Distt.-Sheikpura,
2. Surendra Kumar S/o Bhuneshwar Yadav R/Vill.-Pathraitia, P.S.-Ariari, Distt.-Sheikpura,
3. Ashok Yadav S/o Ramkushan Yadav R/Vill.-Mehuli, P.S.-Ariari, Distt.-Sheikpura,

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Govt. of Bihar.
2. The Principal Secretary General Administration Department, Govt. of Bihar, Patna.
3. The District Magistrate Cum Collector, Sheikhpura, P.S. and Distt.-Sheikhpura.
4. The Sub Divisional Officer Sheikhpura, P.S. and Distt.-Sheikhpura.
5. District Supplier Officer, Sheikhpura, P.S. and Distt.-Sheikhpura.
6. Block Supply Inspector, Sheikhpura, P.S. and Distt.-Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh, Advocate
For the Respondent/s	:	Mr. S Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 07-02-2022 This matter has been taken up for online hearing through video conference because of *COVID-19* pandemic restrictions.

The petitioner has put to challenge an order dated 17.07.2021, passed by the Collector, Sheikhpura in Confiscation Case No. 31 of 2021, whereby the petitioner's truck has been confiscated in exercise of powers under the provisions of the



Essential Commodities Act (for short ‘ the Act’).

The petitioner has remedy of appeal against the said order under Section 6C of the Act.

In such view of the matter, this application is disposed of with a liberty to the petitioner to approach the Appellate Authority by preferring an appeal against the impugned order. It is noteworthy that assailing the impugned order dated 17.07.2021, the petitioner presented this writ application before this Court on 05.10.2021.

In the facts and circumstances of the present case, it is observed that if any appeal is filed with an application seeking condonation of delay, the Appellate Authority shall consider the same, keeping in mind the fact that the petitioner was pursuing his remedy before this Court by filling the present application and decide the petitioner’s appeal on merit. The petitioner shall be at liberty to seek any interim protection before the Appellate Authority by making proper application.

This application stands disposed of with the aforesaid observation and direction.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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