

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20663 of 2018

Subodh Sah son of Late Ram Khelawan Sah, Resident of Village Puraini,
P.S.- Puraini, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Food Supply and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Cum Collector Purnea.
3. The S.D.O Purnea.
4. The District Supply Officer, Purnea.
5. The Superintendent of Police, Purnea.
6. The Officer In charge, Bhawanipur Police Station, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain, Advocate
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 04-08-2025

1. The writ petition is filed for the following
reliefs:

*“1. For quashing of the order
dated 07.07.2017 passed by the learned
collector, Purnea in connection with E.C.
Act case no. 265/2016 (Arising out of
Bhawanipur P.S. Case no. 12/9/2016
registered u/s 7 of E.C. Act) where by the
learned court has directed for*



confiscation of the 68.50 quintal (137 bags) Rice seized by the police from the tractor of petitioner in an illegal and arbitrary manner.”

2. At this juncture, the Learned counsel for the respondents contended that Section 6(C) of the Essential Commodities Act, 1955 provides for the provision of appeal. Section 6(C) read as follows:

“6C. Appeal.— (1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by such judicial



authority, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to 3[return the essential commodity seized], 4[such persons shall, except as provided by sub-section (3) of section 6A, be paid] the price therefore 5[as if the essential commodity,] had been sold to the Government with reasonable interest calculated from the day of the seizure of 6 [the essential commodity] 7 [and such price shall be determined—

(i) in the case of food grains, edible oil seeds or edible oils, in accordance with the provisions of sub-section (3B) of section 3;



(ii) in the case of sugar, in accordance with the provisions of subsection (3C) of section 3 ; and

(iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.].”

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 6(C) of the Essential Commodities Act, 1955.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned authority, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned authority to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a



direction to the petitioner to file an appeal within one month from the date of receipt of this order before the authority concerned. As the writ petition is filed in the year 2018 itself, the delay in filing the appeal shall be condoned by the concerned authority, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.08.2025
Transmission Date	N/A

