

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15302 of 2019**

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Dinesh Kapar S/o Yogendra Kapar Vill.- Shahpur, P.s.- Khanpur, Distt.-  
Samastipur

... .. Petitioner/s

Versus

1. The Collector Samastipur
2. The Sub Divisional Officer Smastipur
3. The District Supply Officer Samastipur
4. The Block Supply Officer Khanpur, Samastipur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Surya Kant Mishra, Adv.  
For the Respondent/s : Mr.Arvind Ujwal (Sc4)

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**

**ORAL JUDGMENT**

**Date : 15-10-2025**

1. The Writ petition is filed against the order dated 24.01.2018 passed by the respondent-Collector in Confiscation Case No. 4/15, whereby the application of the petitioner dated 09.09.2015 for release of the seized wheat was rejected, and a total quantity of 210.50 quintals of wheat was confiscated under Section 6(A) of the Essential Commodities Act on the ground that the said wheat had been stored for the purpose of black marketing.



2. It is the specific contention of the Learned counsel for the respondents that an effective alternative remedy is available to the petitioner to prefer an appeal under Section 6C of the Essential Commodities Act, and without availing such remedy, the present Writ petition is filed, which is not maintainable. Section 6-C of the Essential Commodities Act reads as follows:

*"6-C. Appeal. (1) Any person aggrieved by an order of confiscation under Section 6-A 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 6-A 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 6-A, the person*



*concerned is acquitted and in either case it is not possible for any reason to return the essential commodity seized, such person shall save as provided by sub-section (3) of Section 6-A, be paid the price therefor as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined-*

*(i) in the case of foodgrains, 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 sub-section (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. Having regard to the above made submissions, without going into the merits or demerits of the case, the petitioner is directed to file an appeal under Section 6C of Essential Commodities Act before the concerned authority within a period of two months



from the date of receipt of this order. In turn, the authority concerned shall dispose of the appeal within three months from the date of its filing.

4. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. The concerned authority shall also construe the limitation aspect, as the Writ petition was filed in the year of 2019.

5. With the aforesaid observations, the Writ petition stands disposed of.

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

**(G. Anupama Chakravarthy, J)**

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