

(2001) 03 PAT CK 0038
In the Patna High Court
Case No : C.W.J.C. No. 2824 of 2001

Muneshwar Singh

APPELLANT

Vs

State of Bihar and Another

RESPONDENT

Date of Decision : 08-03-2001

Acts Referred:

Seeds Act, 1966 — Section 14(1), 7

Citation : (2001) 2 PLJR 265

Hon'ble Judges : S.K. Chattopadhyaya, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.K. Chattopadhyaya, J.—Heard learned counsel for the petitioner and the State. In this application prayer has been made to direct respondent no. 2 to unseal the business premises of the petitioner, which was sealed on 30.1.2001.

2. It appears that during course of raid on 23.1.2001 the petitioner is alleged to have failed to produce licence and books of account as well as cash-memos for carrying on business in seeds. The order pursuant to which respondent no. 2 (District Agriculture Officer, Patna) has acted, is Annexure-1. This letter reveals that the Agriculture Production Commissioner directed to seal the business premises of the petitioner on the aforesaid allegation and respondent no. 2 merely carried out the said order.

3. Learned counsel for the State with reference to Section 7 of the Seeds Act, 1966 (in short "the Act") submits that in view of this provision, no person can carry on business of seeds without any valid licence. Referring to Section 14(1) {e}, he submits that the authority can exercise such other powers as may be necessary for carrying out the purposes of this Act or any Rule made there under. However, when he was confronted with the query as to under what provision of the Act or Rule on such allegation business premises of a person can be sealed, he has no answer. Secondly learned counsel has fairly stated that there is

nothing on record to show that either the Agriculture Production Commissioner or the District Agriculture Officer, Patna were empowered to take any action for violation of any provisions of the Act.

4. On the other hand, learned counsel for the petitioner has drawn my attention to an order of this Court dated 6.12.1994, passed in Cr. Misc. No. 17828 of 1994, which shows that under Unification order also there is no provision for putting seal either on the " business premises or Godown. Similarly in this case as noticed above, no provision of law has been brought to my notice, which even remotely suggest that there is a provision in the Act for putting seal on the business premises of the petitioner. In such circumstances, in my view, this writ application must be allowed. Accordingly, this application is allowed. Respondent no. 2 is directed to unseal the business premises of the petitioner positively by 13th of March, 2001.