
(2000) 06 PAT CK 0050
In the Patna High Court
Case No : C.W.J.C. No. 6353 of 1999

Sukhdeo Sao and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-06-2000

Acts Referred:

Citation : (2000) 3 PLJR 764

Hon'ble Judges : S.N. Jha, J

Bench : Single Bench

Advocate : N.K. Agrawal, for the Appellant; Ram Subhash Singh, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Jha, J.—This writ petition arises from a confiscation proceeding. The Collector of Giridih passed order dated 22.9.98 in case No. 32/98 for confiscation of various items of food grains. The Secretary, Food Supply and Commerce Department in appeal vide order dated 3.6.99 set aside the order with respect to the pulses. He however, confirmed the order with respect to 2.55 quintals of Tori (Mustard seeds), 90 quintals of Chokar and 34 quintals of broken rice.

2. As regards the mustard seeds, in paragraph 22 of the writ petition, it has been averred that with respect to storage of oil seeds upto 30 quintals in "C" class cities, no licence is required vide notification dated 17.10.85. With respect to the broken rice in paragraphs 18 and 19 of the petition it has been averred that the storage limit fixed earlier was abolished vide notification dated 7.1.95. Lastly, with respect to Chokar, it has been stated that the same is cattle feed which is not scheduled commodity mentioned in any of the schedules of the Bihar Trade Articles (Licences Unification) Order, 1984.

3. Though the Respondents have filed counter affidavit, none of the averments with respect to the commodities in question as mentioned above has been dealt with and controverted. In fact, they do not refer to any of them at all. Simply on

the basis of general and bald submissions, it has been stated that the petition has no merit and it should be dismissed.

4. The case of the Petitioners thus having not been controverted materially, I have no option but to set aside the impugned appellate order of the Secretary and direct release of the goods. In the event the goods have been sold pursuant to the impugned order, the sale price shall be paid to the Petitioners. This should be done within one month of receipt/production of a copy of this order.

5. The petition stands disposed of.