

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1498 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMNIKLAL LAXMICHAND

Versus

STATE OF GUJARAT & OTHERS

Appearance:

None present for the Petitioner

MR ND GOHIL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/09/96

ORAL JUDGEMENT

Heard learned counsel for the respondents and perused the record. This writ petition has arisen out of the proceeding which has been taken against the petitioner under sec.6A of the Essential Commodities Act, for contravention of the provisions of the Essential Articles (Licensing Control and Stock Declaration) Order, 1981. The respondent no.2 vide its order dated 7th July,

1984 ordered for confiscation of 29.80 quintals of Tuber of the petitioner. The petitioner filed an appeal against the aforesaid order before the respondent no.1 and that appeal has been partly allowed and the order of confiscation of 15 quintals of Tuber was made instead of 29.80 quintals as ordered by the Collector. After the decision of the appellate authority, the respondent no.3 by his letter dated 30th December, 1985 directed the petitioner to deposit Rs.6750/- the value of 15 quintals of Tuber which the petitioner deposited on 1st January, 1986. Hence, this Special Civil Application.

I have taken the translation version of the order passed by the respondents no.1 and 2 and I do not find any illegality therein which calls for interference of this Court. There is no positive evidence on the record for the sale of 120 quintals on 23rd May, 1984. Otherwise also, the finding of the appellate authority was that there was excess stock of pulses with the petitioner may be for a short period. This is certainly a contravention and as such, the confiscation which has been ordered by the appellate authority does not suffer. The appellate authority has acted very fairly and reasonably and whatever relief which could have been given to the petitioner has been given. I am sitting under Article 227 of the Constitution of India and interference can only be made in the orders passed by the respondents no.1 and 2 where the same are perverse, which is not a case here.

In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated.