

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14064 of 2012

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1. Md. Nasir Ahmad S/O Md. Rahman Mian R/O Village- Partappur, Post-
Udant Rai Ke Bangra, P.S.- Manjtla Garh, District- Gopalganj

.... Petitioner

Versus

1. The Union Of India Through Ministry Of Finance Department Of
Revenue Office Of The Competent Authority Smugglers And Foreign
Exchange, Manipulators, Lok Nayak Bhawan, Khan Market, New Delhi -
110003

2. The Competent Authority Smugglers And Foreign Exchange,
Manipulators-20, British Indian Street (4th Floor), Calcutta-69

3. Income Tax Officer, Ward-1, Chapra, Bihar

4. The State Of Bihar Through The Collector, Gopalganj

5. The District Magistrate-Cum Distt.- Auction Officer, Gopalganj, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha

For the U.O.I. : Mr. Ravinder Kumar Sharma C.G.C.

For the State : Mr. Kumar Kamal Nayan AC to SC-33

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 04-12-2015

Heard the parties.

The petitioner is the son of Md. Rahman Mian and is aggrieved by the order dated 05.07.2012 passed by the District Magistrate, Gopalganj in auction case (Annexure-6). The District Magistrate initiated the said proceedings in compliance of the order dated 30.01.1990 passed by the competent authority ,Kolkata under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

A counter affidavit has been filed on behalf of the State respondents. Considering the statements made in the counter

affidavit, counsel for the petitioner has stated that the writ application may be permitted to be withdrawn enabling him to take recourse to the remedy as is available to the petitioner. Be it noted that the State respondents as well as the counsel for the Union of India have taken a stand that the order was passed by the competent authority in Kolkata. The writ application would not be maintainable. Furthermore, if any remedy is to be claimed by the petitioner that may be by approaching the competent authority in Kolkata.

The writ application is permitted to be withdrawn with the said liberty.

(Kishore Kumar Mandal, J)

Shyam/-

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