

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13440 of 2014

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Niraj Kumar Gupta, Son of- Parmeshwar Gupta, Resident of- Bela, P.S.-
Jainagar, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna
2. The Collector, Madhubani
3. The Sub-Divisional Officer, Jainagar, District- Madhubani
4. The Block Supply Officer-cum-Block Development Officer, Jainagar, District- Madhubani
5. The S.H.O., P.S.- Jainagar, District- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.

For the Respondent/s : Mr. AC to GP 15

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 11-10-2017

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks an appropriate writ for quashing of the confiscation proceeding vide Confiscation Case NO. 50/2013-14 arising out of Jainagar P.S. Case No. 165 of 2013. The petitioner further prays that the proceeding may be concluded, as the proceeding has remained pending for more than four years for no logical reasons. He further drawn the attention of this Court to paragraph-7 of the counter affidavit that Confiscation Case No. 50/2013-14 is pending in respect of 191 quintal of wheat in which the petitioner has filed a show cause and next date of hearing is fixed on 15.09.2017 and is likely to be



disposed of after flood disaster. It appears from the record of the case that though such confiscation involved perishable commodities yet the matter has been kept pending for more than four years without any just cause. Initially, it was the elections of the State Assembly followed by the elections of the Parliamentary elections but now the pretext has been brought before this Court with regard to flood disaster.

This court is unable to appreciate such attitude of the State in keeping the petitioner's case hanging for more than four years. It is, thus, directed that the confiscation proceeding pending before the Collector, Madhubani be taken up forthwith and the petitioner will appear with a copy of this order on or before the 1st of November, 2017.

In case, the petitioner appears with a copy of this order before the Collector, Madhubani, the Collector, Madhubani shall ensure that the confiscation proceeding is dealt with and disposed of within a fortnight. Thereafter, if such a proceeding is not concluded by the said date by the Collector, Madhubani, the Collector, Madhubani shall be required to pay a cost of Rs. 20,000/- and it shall be deemed that the Collector has no power to keep the confiscation proceeding pending and shall be deemed to be quashed.



With the aforementioned direction, the writ application stands disposed of.

Let a copy of this order be communicated to the office of Government Pleader No. 15 for onward communication to the D.M., Madhubani.

(Anjana Mishra, J)

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