

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11055 of 2014

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Usha Devi, wife of Bhola Prasad, R/o Mohalla- Bankipur Gorakh, P.O.+ P.S.-
Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. Sub-Divisional Officer, Patna City.
4. The Circle officer, Fatuha.
5. Arun Kumar, S/o (Late) Mishri Singh, R/o Village- Amokhari, P.O.- Badhgoan,
P.S.- Sirdala, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent nos. 1 & 4: Mr. Manoj Kumar, A.C. to S.C. 12

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-02-2017

Heard learned counsel for the petitioner and State.

The petitioner has moved the Court for a direction to
open the godown belonging to the petitioner which has been sealed
due to alleged illegal acts of his tenant, respondent no. 5.

Learned counsel for the petitioner submitted that the
godown in question was leased to the respondent no. 5 and the period
was till 31.12.2013. Learned counsel submitted that in the meantime,
the godown was sealed by the authorities in October, 2013. Learned
counsel submitted that the godown belonging to the petitioner is
unnecessarily sealed as whatever is the requirement in law, is relates
to the materials lying inside the godown and there is no case relating
to any seizure or confiscation of the godown which belongs to the



petitioner. Learned counsel submitted that on the one hand the respondent no. 5 is not paying any rent and on the other hand the premises being sealed, he is not in a position to utilize the same to his benefit though being the owner. Learned counsel submitted that the authorities be directed to open the seal of the godown and after removing whatever material is inside, the premises be handed over to him.

Learned counsel for the State submitted that the godown at the relevant point was lawfully in the possession of the respondent no. 5 and he having committed certain illegalities, the godown, which housed the materials on which the allegations were levelled against the respondent no. 5, the same has rightly been sealed and the State cannot hand over possession to the petitioner for the reason that in law the petitioner has no *locus standi* till there is an order of the competent court, as the premises which has been sealed is that of the respondent no. 5 and unless there is a declaration to the effect that the same needs to be vacated and handed over to the petitioner, the State, on its own, cannot accede to such request.

Faced with the situation, learned counsel for the petitioner submitted that he may be permitted to move before the appropriate forum, either on the civil or criminal side, for making a prayer for handing over to him the vacant possession of the premises



in question.

Learned counsel for the State does not object.

In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before appropriate court/forum, either civil or criminal, in accordance with law, for the relief sought for in the present writ application.

(Ahsanuddin Amanullah, J.)

Ranjan/-

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