

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10047 of 2015

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Jubair Alam Khan son of Late Ainul Haque Khan Resident of Village-
Majhauriya, Police Station- Majhauriya, District-West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, West Champaran at Bettiah.
3. The Superintendent of Police, West Champaran at Bettiah.
4. The Sub Divisional Magistrate, Sadar, West Champaran at Bettiah.
5. The Circle Officer, Majhauriya Circle, Police Station Majhauriya, West Champaran.
6. The Officer-Incharge, Majhauriya Police Station, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2018

The present writ petition has been filed for quashing the notice dated 29.05.2015 issued by respondent no. 6 whereby the petitioner has been ordered to deposit his Bolero vehicle bearing Engine No. GB64F38243709 and Chassis No. MAIWBZGBK62F314849.

2. Learned counsel for the petitioner submits that the subject Bolero vehicle purchased by the petitioner in the auction held pursuant to the public notice (Annexure-3) issued by the Circle Officer was wholly legal and the amount of Rs. 40,500/- was deposited by the petitioner, who was the highest bidder. It is stated that the impugned



notice dated 29.05.2015 issued by the respondent no. 6 (Annexure-6) directing the petitioner to deposit the said vehicle is wholly arbitrary and illegal inasmuch as the auction was properly held.

3. None appears on behalf of the respondents when the matter is called.

4. From perusal of paragraph 4 of the counter affidavit which is on record, it transpires that the entire auction procedure adopted by the then authority had been found contrary to the Rules and the relevant provisions of the Government and the same had been cancelled by the Sub-Divisional Officer, Bettiah Sadar, West Champaran (Annexure-A).

5. Having heard learned counsel for the petitioner and on careful consideration of the materials available on record, this Court is not inclined to interfere in the matter. Specific stand has been taken in the counter affidavit that the auction had been cancelled as being in contravention of the extant Rules and the provisions of the Government.

6. A copy of the counter affidavit was served upon learned counsel for the petitioner as far back as on 08.02.2016 and the stand of the respondents has not been disputed and no rejoinder thereto has been filed by the petitioner. The petitioner has also not challenged the cancellation of the auction which is well within the petitioner's



knowledge. In such circumstances, no relief can be granted to the petitioner by this Court.

7. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.09.2018
Transmission Date	N.A.

