

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1091 of 2019

Arising Out of PS. Case No.-18 Year-2015 Thana- VIGILANCE District- Patna

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1. Manju Devi, W/o Satya Narayan Mahto, Resident of Village- Bherokhra, P.S.- Tajpur, District- Samastipur.
 2. Adarsh, Son of Satya Narayan Mahto, Resident of Village- Bherokhra, P.S.- Tajpur, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar, through Director General, Vigilance, Government of Bihar, Patna.

... .. Respondent

Appearance :

For the Petitioners	:	Mr. Sanjay Singh, Advocate Mr. Vinod Kumar, Advocate
For the Respondent-Vigilance:		Mr. Anjani Kumar, L.O., I/c Vigilance

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-07-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for setting aside the notices dated 08.12.2017 issued under the signature of the Authorized Officer, Special Court (Vigilance) No.1, Muzaffarpur under Rule 14(2) of the Bihar Special Courts Rules, 2010 in Confiscation Case No.3 of 2017 arising out of Vigilance P.S. Case No.18 of 2015 whereby the petitioners have been informed that their assets are disproportionate to their known source of income and they have been called upon to report as to their sources of income out of which or by means of which they have acquired assets and the evidence on which they intended to



rely upon. They have been further asked to show cause as to why all of their assets should not be declared to have been acquired by means of offences and confiscated to the State Government.

2. At the outset, an objection has been raised by the learned counsel appearing for the Vigilance regarding maintainability of the writ petition. He has submitted that under Section 17 of the Bihar Special Courts Act, 2009 (for short 'the Act'), any person aggrieved by any order of the Authorized Officer may prefer an appeal to the High Court within thirty days from the date on which the order appealed against was passed.

3. Learned counsel for the petitioners has also agreed that in view of Section 17 of the Act, the notices issued by the Authorized Officer can be challenged in appeal. However, he submitted that the remedy provided under appeal is not an efficacious remedy.

4. Having heard the parties, I am of the opinion that the statutory remedy of appeal as provided under Section 17 of the Act is an equally efficacious statutory remedy and the same can not be dispensed with in order to entertain a writ petition under Article 226 of the Constitution of India.

5. In that view of the matter, I am not inclined to entertain this application.



6. Accordingly, the application is dismissed as not maintainable.

7. However, the petitioners would be at liberty to challenge the order passed by the Authorized Officer pursuant to which the show cause notice has been issued to them by way of filing statutory appeal under the Act.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2019
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