

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20316 of 2019

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Mala Devi Wife of Late Harendra Rai Resident of at Present residing at Naya Tola Madhopur P.S. Bakhtiarpur District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration Excise and Prohibition, Government of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The Excise Commissioner, Bihar, Patna.
4. The District Collector Cum-District Magistrate, Patna.
5. The Superintendent of Police, Patna.
6. The Sub-Divisional Officer, Barh District Patna.
7. The Circle Officer, Bakhtiarpur, Patna.
8. The State House Officer Bakhtiarpur Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

4 07-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for following reliefs:-

“(I) For issuance of a writ in the nature of
certiorari or an appropriate writ for quashing the order
dated 11.6.2019 passed in confiscation case
No.573/2017-18, whereby and whereunder the District
Collector cum-District Magistrate, Patna the respondent
no.4 as contained in Annexure-1 was pleased to order for



confiscation of House of the petitioner situated at Bakhatiarpur Anchal at Naya Tola Madhopur, Ward No.14 comprising of Khata No.118, Khesra No.155 measuring an area of 15 dhur.

(ii) For issuance of as writ in the nature of certiorari or appropriate writ for restraining the Sub-Divisional Officer, Barh, the respondent no.7 to confiscate the house in question for public auction after valuation of the same.

(iii) For issuance of a writ in the nature of MANDAMUS or an appropriate writ commanding and directing the respondent authorities to desealed the alleged house in question from Public Auction and possession be handed over to the petitioner, who is absolute owner of the house in question.”

During pendency of this writ petition, final order has already been passed by the confiscating authority, as such present petition for release of house has become infructuous.

Accordingly, the present petition is dismissed as having become infructuous, granting liberty to the petitioner to file appeal against the order of confiscation and, if any, such appeal is filed, delay in filing appeal shall be condoned as the matter remained pending before this Court and if any such appeal is filed same to be decided preferably within 30 days



from the date of filing of appeal.

During pendency of appeal, the confiscated house is directed not to be auction sold, if not already, auction sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/Ranjan-

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