

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24890 of 2019

1. Anil Kumar alias Amit Mahto Son of Sri Ramswaroop Mahto Resident of Village-Alilganj, P.S. Chandradeep, District-Jamui,
2. Ram Swaroop Mahto, Son of Late Gopi Mahto. Resident of Village-Alilganj, P.S. Chandradeep, District-Jamui,

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Sub Divisional Officer, Jamui.
5. The Superintendent of Police, Jamui.
6. The Officer Incharge of Chandradeep Police Station, District-Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto
For the Respondent/s : Mr.Vikash Kumar (Sc11)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)
Date : 08-07-2020

Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief:-

"(I) For issuance of an appropriate writ(s),order(s) and
direction(s) commanding the respondents especially for
quashing the order dated 16.08.2019 passed by the Collector,
Jamui in confiscation Case No.57/2018 which has been
communicated to the petitioner vide Memo No.1989 dated
19.09.2019 under signature of the Deputy Collector Incharge,
Legal Branch, Jamui in Confiscation Case No.57/2018 (arising



out of Chandradeep P.S. Case No. 26/2018) whereby and whereunder he was pleased to confiscate the house of the petitioners and directed to put on auction.

(II) During pendency of this writ petition operation of the impugned order dated 19.09.2019 may kindly be stayed."

Petitioners have approached this Court without exhausting the statutory alternative remedy of appeal/revision, as such present writ petition is disposed of with liberty to petitioner to file appeal against the order passed by the District Magistrate cum Confiscating Officer which was an ex parte order.

It is submitted on behalf of petitioners that no notice was ever served upon the petitioners and case was heard ex parte in their absence, as such, order as impugned may be recalled and confiscating officer may pass a fresh order after hearing the petitioners.

The writ petition is disposed of with a direction to the petitioners to avail the statutory alternative remedy of appeal/revision to be filed within 60 days and if such appeal is filed, the delay in filing appeal may be condoned by the Appellate Authority keeping in view the fact that the matter remained pending before this Court. It shall be open for the petitioners to raise the issue of non service of notice and



passing of ex parte order against him without hearing them.
During pendency of appeal the confiscated property shall not
be auction sold.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

