

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.998 of 2020**

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Dharmendra Tanti, aged about 45 years, S/o Ganesh Tanti Resident of Village-  
Chhedlahi, P.S.- Gidhaur, District- Jamui

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Excise, Prohibition and  
Registration Department, Government of Bihar, Patna
2. The Commissioner Excise, Bihar, Patna
3. The Collector cum District Magistrate Jamui, District- Jamui
4. The Superintendent of Police Jamui, District- Jamui
5. The Superintendent of Excise Prohibition Jamui, District- Jamui
6. The Circle Officer Gidhaur, District- Jamui
7. The Officer in Charge Gidharur, District- Jamui

... .. Respondents

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**Appearance :**

For the Petitioner : Mr.Amar Prakash, Advocate  
For the Respondents : Mr.Vivek Prasad, GP7

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      17-01-2020                      The petition filed on 16.01.2020 is listed for hearing  
for the first time today before the Court.

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

Petitioner has prayed for the following relief:-

*“i) For issuance of a writ in the nature  
of certiorari quashing exparte impugned order  
dated 05.07.2019 passed by Respondent Collector,  
Jamui in Confiscation Case No. 16/2018 whereby  
and whereunder the Respondent Collector, has  
illegally confiscated the south East Room of Joint*



*house of the petitioner and has directed to the Respondent Superintendent of Excise Jamui to sell the same by auction. The impugned order is apparently illegal, arbitrary and mala fide.*

*ii) For an appropriate direction to the Respondent authorities to release south East Room of Joint house of the petitioner which has illegally been confiscated in connection with Laxmipur (Gidhaur) P.S. Case No. 250/17 Under Section 30(A)/ 41 Bihar Excise Act, 2016 without any seal or seizure. The confiscated south East room is the part of the joint house and the respondent authorities have no right to sell the same by auction.*

*iii) For issuance of an appropriate writ/writs, order/orders, direction/directions for which the petitioner be found entitled to under the facts and circumstances of the case.”*

It is submitted that Confiscation Case No. 16 of 2018 already stands concluded.

As such, in our considered view, no other and further order can be passed in the present petition, save and except which is being passed herein under, on mutually agreeable terms:-

(1) The petitioner shall file an appeal on or before 07.02.2020.

(2) If the appeal is filed within the aforesaid period, the issue of limitation shall not be raised by the State.

(3) The parties undertake to join and fully cooperate in the said proceedings.



(4) It is expected of the authority concerned to decide the said appeal expeditiously and preferably within a period of three months.

(5) All issues left open.

The writ petition stands disposed of in the aforesaid terms.

**(Sanjay Karol, CJ)**

**( Anil Kumar Upadhyay, J)**

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