

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1300 of 2020

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Mahendra Prasad Yadav, Son of Late Rameshwar Yadav, Resident of Village-
Adarshnagar, Ward No. 8, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Home Department,
Government of Bihar, Patna.
2. The Addl. Chief Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Excise Commissioner, Bihar, Patna.
5. The District Magistrate, Madhepura, District- Madhepura.
6. The Superintendent of Excise, Madhepura, District- Madhepura.
7. The Excise Inspector, Madhepura, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra,Adv.
For the Respondent/s : Mr.Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 09-07-2020

The proceedings of the Court are being conducted
through Video Conferencing and the Advocates joined the
proceedings through Video Conferencing from their residence.

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

Petitioner has prayed for following relief:-

“For issuance of writ in nature
certiorari for quashing the order dated



18.09.2019 passed by Excise Commissioner, Bihar, Patna in Appeal Case No. 07 of 2019 by which appeal has been dismissed and affirmed the order dated 20.11.2018 and 17.12.2018 passed by Learned Collector, Madhepur in confiscation case no. 24 of 2018 further quashing the order dated 20.11.2018 and 17.12.2018 passed by Collector, Madhepura in Excise Confiscation Case No. 24 of 2018 (Arising out of Excise Case No. 27 of 2018) by which shop/house of the petitioner by which confiscated the shop/house of the petitioner and rejected the application filed by the petitioner inter alia stating that the aforesaid premises was not in possession of the petitioner rather was in the possession of the renter who took rent under the agreement dated 10.02.2017 and further issue direction the release shop/house of the petitioner as alleged place of the occurrence was not in occupied possession of the petitioner rather his residing at Adarsh Nagar Ward N. 8, District- Madhepura and further give other legal consequential benefit to the petitioner.”



Petitioner has filed this writ petition against the order passed by the confiscating officer as well as appellate authority without exhausting the statutory remedy of revision under the Act as such present writ petition at this stage is not maintainable.

The writ petition is disposed of with a liberty to the petitioner to file revision petition before the revisional authority against the order passed by the confiscating officer as well as the appellate authority and if such revision is filed by the petitioner the revisional authority shall condoned the delay in filing the revision petition as the mater remain pending before the court and shall decide the revision petition on merit.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

