

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8340 of 2020

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Amaresh Kumar, Son of Premchand Singh R/o- Kushwaha Chauk, Jandaha,
P.O. and P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The District Magistrate Saran at Chapra.
3. The Superintendent of Police Saran at Chapra.
4. The District Transport Officer Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 18-01-2021 Petitioner has prayed for the following relief(s):-

“ For issuance of an appropriate writ in the nature of Certiorari to quash the entire confiscation proceeding being Confiscation Case No. 220 of 2019 and subsequent auction of vehicle (Pickup) bearing Engine No. GHC1L90559 and registration no. BR 31G 6147 since no notice relating to confiscation proceeding has ever been served on the petitioner and only after the auction respondent no. 4 informed the petitioner vide Letter No. 1903 dated 21.12.2019 inviting his objection with regard to transfer of ownership of the vehicle in question in favour auction purchaser



as the petitioner is the registered owner of the vehicle and without hearing the petitioner the confiscation order and subsequently the vehicle in question has been auctioned behind his back and further for issuance of a writ in the nature of mandamus directing the respondent no. 4 to not transfer the ownership of the vehicle in question and release the same in favour of the petitioner and if transferred then the same be declared as illegal or the petitioner may be compensated for the illegal transfer done by the respondent authority and further for any other appropriate writ, writs, order/orders, direction/directions for which the petitioner is entitled to in the facts and circumstances of the case.”

Undisputedly, the possession of the vehicle stands handed over to the petitioner. Also, it is not clear as to whether vehicle stood registered in the name of the auction purchaser or not. If that were so, necessary changes with regard to ownership of the vehicle would be required to be made, which, we are hopeful, the appropriate authority shall do.

Shri Vikash Kumar, learned Standing Counsel-11, states that the matter shall be pursued by the authority, if so required and desired.

Clarifying the fact, Shri Krishnakant Singh, learned counsel for the petitioner, states that thus far except to the extent



of preliminary reliefs, there was no change in the registration of the vehicle.

Needless to add, proceedings initiated against the erring officers shall be concluded and taken to its logical end.

At this stage, learned counsel for the petitioner states that he shall not press for relief as prayed, except for reserving liberty to allow the petitioner to initiate appropriate proceedings for compensation as per law.

Liberty granted.

We have not expressed any opinion on the merits and all questions are left open.

Petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

sujit/-

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