

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14964 of 2021

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Sanjay Kumar Jaiswal @ Khopre @ Guddu, Son of Sri Jai Prakash Jaiswal,
Resident of Main Road Lakhibagh, P.S.- Masaurhi, Dist. - Patna, Bihar-
804452.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate- Cum- Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Circle Officer, Masaurhi, Patna.
5. The Officer In Charge, Bikram Police Station, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rohit Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Kumar Manish, S.C. 5
		Mr. Prashant Kumar, A.C. to S.C. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 04-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That this writ application is being filed by the petitioner which is in the nature of certiorary to quash the order dated 09.09.2020 passed by the court of Collector cum District Magistrate, Patna in Confiscation Case No.2676 of 2019-20, which is arising out of from Masaurhi P.S. Case No. 619/2019 registered under Section 30(A) and 37(C) of Bihar Prohibition and Excise Act, 2016. By which order the learned court confiscated the Babarchi Resturent of the petitioner and directed to Circle Officer, Masaurhi to start a encroachment case over the land situated in Thana No. 144, Khata No. 01 and Kheshra No. 1958 (Gairmajarua Malik) on the part portion, then

restaurant was situated. And further for issuance of a consequential writ of the nature of mandamus directing and commanding to respondent no. 4 to not comply the order dated 09.09.2020 passed by the court of Collector Cum District Magistrate, Patna in Confiscation Case No. 2676/2019-20. By which order respondent no. 4 was directed to start a encroachment case against petitioner.”

Petitioner has approached this Court without availing the statutory remedy of revision against the impugned appellate order, as such, liberty is granted to petitioner to file revision against the appellate order before the Revisional Authority and if any such Revision is filed within 8 weeks, then Revisional Authority shall condone the delay in filing the revision petition and shall decide the revision petition preferably within 8 weeks from the date of its filing on its own merit.

During pendency of revision petition, confiscated property shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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