

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1498 of 2021

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Mahavir Yadav, Son of Late Dewant Yadav, Resident of Village- Dharhara,
P.S.- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The District Magistrate-cum-Collector, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The Officer In-charge, Rafiganj Police Station, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Respondent/s : Mr. A.C. to A.G.

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

Date : 25-03-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“a. For setting aside the order dated 02.09.2020 passed by the learned Commissioner Excise, Bihar, Patna in Excise Appeal Case No. 37/2020 arising out of order dated 04.01.2018 passed by learned District Magistrate-cum-Collector, Aurangabad in Confiscation Excise Case No. 715/2019 whereby and whereunder the learned Commissioner Excise, Bihar Patna has dismissed the appeal of petitioner, and

b. for setting aside order dated 04.01.2020 passed by learned District



Magistrate-cum-Collector, Aurangabad in Confiscation Excise Case No. 715/2019 arising out of Rafiganj P.S. Case No. 170/2019 dated 13.07.2019 whereby and whereunder the Collector, Aurangabad has confiscated tube well room in house situated in Mauja-Dharhara, Rafiganj, Thana No. 674, Khata No. 38, Plot No. 268, area 46 decimal allotted to the petitioner and stayed auction process in view of order passed in L.P.A. No. 1647/2015, and

c. for direction to respondent authorities to unseal tube well room in house and hand over possession of same to the petitioner which is situated in Mauja-Dharhara, Rafiganj, Thana No. 674, Khata No. 38, Plot No. 268, area 46 decimal allotted to the petitioner, and further

d. for any other relief(s) for which the petitioner may be found entitle to in the fact and circumstances of the case stated herein after.”

Petitioner has filed this writ petition for setting aside the order passed by confiscating authority as well as appellate authority as referred above without exhausting the statutory remedy of revision against said orders, as such, writ petition is disposed of with liberty to petitioner to avail the remedy of revision against said orders and, if any, such revision is filed within four weeks, the revisional authority shall condone the delay in filing revision petition and shall decide revision on its own merit preferably within eight weeks from the date of its



filing.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2021
Transmission Date	NA

