

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19547 of 2021

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Usha Ray, Wife of Ram Bhagwan Rai, Residence of Village – Madhopura
Ram, P.S. - Sarai, District – Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
3. The Excise Commissioner, Bihar Patna.
4. The Collector, Vaishali at Hajipur.
5. The Senior Deputy Collector, Vaishali at Hajipur.
7. The Superintendent of Police, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navjot Yesu, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-12-2021 Petitioner has prayed for the following relief(s):

“For issuance of an appropriate writ(s), order(s) or direction(s) for quashing of the order dated 29.1.2020 (Annexure-1) passed by Ld. Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in Sarai P.S. Case No.-305 of 2019 whereby and whereunder the petition of the petitioner dated 19.9.2019 filed by the Petitioner for release of her Tata Magic Vehicle bearing Registration No-BR-31GA-8132 has arbitrarily and illegally rejected.

And further for issuance of an



appropriate writ(s), order(s) or direction(s) for quashing of the order dated 25-03.2021 (Annexure-2) as contained in Memo No-72 passed by Senior Deputy Collector, Vaishali at Hajipur in Confiscation Case No-06/20-21 whereby and whereunder he has illegally passed an order Confiscating the Tata Magic Vehicle bearing Registration No-BR-31GA-8132.

And further for issuance of an appropriate writ(s), order(s) or direction(s) for quashing of the order dated 26.7.2021 (Annexure-3) as contained in Memo No-625 passed by Excise Commissioner, Vaishali at Hajipur in Excise Appeal Case No-408 of 2021 whereby and whereunder he has illegally rejected the said case of the Petitioner and has affirmed the aforesaid order dated 25.03.2021 (Annexure-2).

And further for issuance of appropriate Writ or Writs commanding the respondent authorities to release the Tata Magic Vehicle bearing Registration No- BR-31GA-8132, Chassis No-MAIFH2HLWH6G20723, Engine No HLH6G27585, belonging to the petitioner forthwith, which was seized by the police in connection with Sarai P.S. Case No-305 of 2019.

And during the pendency of the instant writ application the Impugned Orders as contained in Annexure-1 & 2 may remain stayed.

And, for grant of any other relief or reliefs for which the petitioner is found entitled to.”

Learned counsel for the petitioner states that petitioner shall be instituting a petition for revision assailing the order passed by the confiscatory authority as also the appellate



authority. This the petitioner intends to do within a period of four weeks.

Learned counsel for the State states that as and when such petition shall be filed, the same shall be considered and decided within a period of thirty days thereafter.

We direct the revisional authority to consider the same within the aforesaid period.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to add, all submissions made by the petitioner shall be considered and dealt with by passing a speaking order while considering such petition as also principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Till the time the decision is taken by the authority, status quo of the property in question shall be maintained. However, if no revision is preferred within the aforesaid period, the order or interim relief shall stand vacated.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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