

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.166 of 2021

In
Civil Writ Jurisdiction Case No.15795 of 2021

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Ajit Kumar, S/o Late Shambhu Sharan Shrivastava, present resident of 14 Saraswati BSNL Complex Juhu Road Satacruz West Opposite SNTD University Mumbai, Permanent Resident of Mohalla-Pokhara, P.S.-Hajipur Town, District-Vaishali, Bihar.

... .. Petitioner/s

Versus

1. State of Bihar through Secretary, Department of Excise, Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Vaishali at Hajipur.
4. The Superintendent of Excise, Vaishali at Hajipur.
5. Sri Sangam Kumar Vidyarthi, The Sub Inspector, Excise Prahar Bal-2, Vaishali at Hajipur.
6. The Additional District Magistrate, Vaishali at Hajipur.
7. Baby Devi, W/o Santosh Kumar Singh, r/o Vill-Maksadpura, P.S.-Hajipur, Distt.-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra, Adv

For the Opposite Party/s : Mr.Pushkar Narain Shahi (AAG 6)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 16-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That this review application is being filed to modify order dated 16.09.2021, passed by Hon’ble Chief Justice and Hon’ble Mr. Justice S. Kumar in CWJC No. 15795 of 2021, , whereby and whereunder the writ petition filed by the Respondent no. 6 to unlock/unseal the business premises run in name and style of M/s CITY FASHION SAREE SHOW ROOM” has been disposed by the Hon’ble

Court directing to the Respondent no. 3 to complete all proceedings under section 58 must positively be initiated/concluded within a period of ninety days from the date of appearance of the parties. Further, Appeal/Revision, if any, be also decided within a period of thirty days from the date of initiation, failing which the “things” (vehicle/property/etc.) shall be deemed to have been released in terms of several orders passed by this Court, reference whereof stands mentioned in Bunilal Sah @ Munilal Sah(supra).”

Petitioner claims that he is the exclusive owner of the building situated in new Khata No. 373, Khesra No. 21 situated at Pokhra Mohalla, Ward NO. 11, P.S Hajipur, District-Vaishali, and had entered into a rent agreement dated 25.03.2015 with Rahul Kumar Chaudhary measuring 1500 Sq. Feet which is basement of said building for opening a shop with the name and style of M/s City Fashion Saree Show Room from where illicit liquor was recovered and the premises was sealed and confiscation proceeding was initiated.

It is submitted that one Baby Devi filed CWJC No. 15795 of 2021, which was disposed of by general direction by order dated 16.09.2021, although Baby Devi petitioner of said writ petition has no semblance of title over the sealed premises as such said order is fit to be reviewed.

This Court has not decided any inter se dispute of title, between the parties nor has declared title of said Baby Devi over the property and under Excise Law the proceeding of confiscation is initiated against the owner of the sealed premises

on the basis of report submitted by the revenue authorities who are custodian of records of title of the immovable property.

In said view of the matter, no ground for review of the order is made out as no order adversely affecting right, title of petitioner has been passed with respect to sealed property liable for confiscation. Petitioner has further stated that notice of confiscation has been issued to him by the confiscating authority in Confiscation Case No. 10/2021-22, where petitioner shall appear and contest the proceeding.

Accordingly, this review petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA