

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2303 of 2022

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Ram Shankar Rai, Son of Late Nuri Rai, resident of Village-Usari, P.S.-K.
Asthan, District-Darbhanga (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Food and Consumer Protection, Government of Bihar, Old Secretariat, P.O. Sachivalaya, Patna-800 001.
2. The District Magistrate, Darbhanga.
3. The Sub Divisional Officer, Biraul, Darbhanga.
4. The Block Development Officer, A. Asthan Purvi, Darbhanga.
5. The Block Supply Officer, K. Asthan Purvi, Darbhanga.
6. The Circle Officer, K. Asthan Purvi, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar 1

For the Respondent/s : Mr. S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 21-06-2022

Heard Mr. Sanjay Kumar, learned Advocate for the
petitioner and Mr. Alok Ranjan, learned Advocate for the State.



Pursuant to the order passed by this Court on 13.04.2022, the original records of the Court of the District Magistrate was produced by the learned counsel for the State.

It appears from the records that the matter had been coming before the Court since 17.04.2020 on which date, because of the spread of corona virus, the hearing could not be held. Similar was the situation on next dates, i.e., 02.06.2020, 21.07.2020, 08.09.2020, 20.10.2020 and 11.12.2020. The case was finally fixed for hearing on 05.02.2021.

Thereafter, a Bench of this Court passed an order on 15.11.2021, directing the Collector, Darbhanga to dispose off the Confiscation Case No. 102 of 2018 within a period of six weeks, failing which the State would be held liable to pay a cost of Rs. 50,000/- to the petitioner and the same would be recoverable from the concerned officials responsible for the delay in disposing off the said case.

It is quite fortuitous that an order was passed by the Collector on the very next day, i.e., on 16.11.2021 only, giving



an impression to the petitioner that the order has been passed in anger by ante-dating the proceedings.

It is only to find out the correct state of affairs that this Court had called for the original records of the Court of the Collector.

Though, on the dates when the records are placed before an Officer, there should be an endorsement with respect to another date, but we have found that on several dates, such endorsements were not made. Thus, it is difficult for us to accept the charge that in the present case, the order has been passed by ante-dating the proceedings. Otherwise also, this Court is not possessed with any wherewithals to decide that the order has been passed in anger and in order to over-reach the order passed by the Division Bench of this Court.

Be that as it may, since the matter has been brought to our notice regarding irregular manner in which dates are given in the cases, we deem it appropriate to direct the authorities, especially the Collector, Darbhanga to maintain the records appropriately by fixing dates in advance. Otherwise, it can



always be charged that some order or the other has been passed ante-dating the proceedings.

We further find that the order passed by the Collector, Darbhanga, has yet not been put to challenge by the petitioner.

Under the circumstances of this case, we are of the considered view that in case the petitioner prefers an appeal against the order of confiscation of the tractor as also the food-grains which were seized, the appellate authority, namely, the District Judge shall take up the matter at once and shall dispose off the appeal positively within a period of 30 days from the presentation of the memo of appeal. The aforesaid time-frame has been provided by us, taking into account that for a long time, food-grains, which has a smaller shelf-life, been lying in the godown of the Collectorate.

Till the time, the appeal is not decided, the order of the Collector to auction sale the vehicle as well as the food-grains be put in abeyance, if not already sold.

It is expected that the appellate authority shall maintain the time-frame provided by this Court.



With the aforesaid observation / direction, this petition stands disposed off.

The original records, which have been produced before this Court by Mr. Alok Ranjan, the learned Advocate for the State, have been returned to him after the proceedings.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

