

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2531 of 2022

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Pawan Kumar, Son of Sri Bharat Prasad, Resident of Ward No. 5, P.O. and
P.S. - Chiraiya, District - East Champaran, Pin - 845415.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, New Secretariat, Patna.
2. The Principal Secretary, Transport Department, Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Superintendent of Police, Bhojpur at Arrah.
5. The District Mining Officer, Bhojpur at Arrah.
6. The District Transport Officer, Bhojpur at Arrah.
7. The Officer - In - Charge, Barahara Police Station, Bhojpur.
8. The District Magistrate, East Champaran at Motihari.
9. The District Mining Officer, East Champaran at Motihari.
10. The District Transport Officer, East Champaran at Motihari.
11. The Officer - in - Charge, Chhatauni Police Station, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-05-2022

Heard learned counsel for the parties.

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

“ For issuance of the writ of certiorari for quashing of order/communication dated 18.12.2021 of the District Mining Officer, East Champaran at Motihari by which and whereunder the respondent no. 9 recommended to the District Magistrate, East



Champan for confiscation of vehicle of the petitioner bearing Registration No. GJ 12Y 5273 and further for issuance of the direction/directions to the respondents concerned for refund and/or return of Rs. 2,92,313/- (Rupees Two lacs Ninty tow thousand and three hundred thirteen) only deposited by the petitioner against the release of his vehicle with the district officials of the District-Bhojpur on 09.10.2021 and for further the order/orders, relief/reliefs for which the petitioner may be entitle to in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal before the appropriate authority.

Prayer allowed.

He may do so within a period of four weeks.

In the meanwhile, status quo as on date shall be maintained.

Learned counsel for the State states that if any such appeal is preferred by the petitioner within the aforesaid period, limitation shall not come in the way and the appeal shall be heard on merits, to be decided within a period of four weeks from the date of its filing.

Statement accepted and taken on record.



We only hope and expect the appropriate authority to consider and decide the appeal on its own merit and with reasonable dispatch.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The present petition stands disposed of with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.05.2022
Transmission Date	

