

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6722 of 2021

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1. Shakti Kumar @ Sanjay Kumar son of Sharwan Kumar Sahu resident of English Ward No. 4, P.S. and District Lakhisarai Proprietor of Raj Krishi Seva Kendra Vidyapeeth Chowk, Lakhisarai.
 2. Ramashray Ram son of Ram Saran Ram resident of village English Ward No. 3 P.S. and District Lakhisarai, Proprietor of M/S Raj Enterprises Vidyapeeth Chowk Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The District Magistrate Lakhisarai District Lakhisarai.
3. The Sub Divisional Officer, Lakhisarai, District Lakhisarai.
4. The Block Agriculture Officer, Lakhisarai District Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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

Date : 04-01-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

1. That the present writ application has been filed for issuance of a writ in the notice of certiorari setting aside the order dated 05.09.2016 passed in confiscation Case No. 46/2015-16 by learned Court of Collector Cum District Magistrate, Lakhisarai whereby and where under the claim of the petitioners have been refused and 437 bags fertilizer



which was illegally seized has been ordered to be confiscated as well as claim of petitioner no.2 who had claimed for proprietor of seized article has also been refused. Further prayer is to release the amount of the seized fertilizer which is kept in the account of respondent be released in favour of petitioner no.2.

Any other order/order for granting any other relief/reliefs for which the petitioners are found entitled to in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioners, under instructions, states that petitioners may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the



following mutually agreeable terms:-

(a) Petitioners is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioners through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of six months from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;



(i) We are hopeful that as and when petitioners take 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioners to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

