

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12826 of 2021

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Rajesh Kumar, S/o Prakash Das, R/o Village- Pachra, P.S.- Bajpatti, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum Collector, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Block Supply Officer, Bisfi, Madhubani.
5. The S.H.O., Bisfi Police Station, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (S.C. 4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 07-01-2022

Heard learned counsel for the parties.

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

“ (I) For issuance of an appropriate writ in the nature of Mandamus directing and commanding the respondent authority to disposed of the Confiscation proceeding of the vehicle of the petitioner (MAHINDRA BOLERO PIK UP, Registration No - BR 06 GE 1381, Chassis No — MA 1 ZN2TBKK5M13367, Engine No - TBK4L83393) which has been seized by the S.H.O. Bisfi Police Station (Respondent No -5) in connection with Bisfi P.S. Case No -256/2020 registered for the offences under section - 7 of the Essential Commodities Act pending before the court of Learned District Magistrate cum Collector, Madhubani (Respondent No-2) bearing Confiscation Case No – 40/2020.

(II) For issuance of an appropriate writ/writs, direction/directions, order/orders directing and commanding the respondent authority to release the vehicle of the petitioner after completion of Confiscation proceeding and in accordance of records of the case which prima facie establishing the innocence of the petitioner and his vehicle aforesaid which were always booked by the diver (co-accused) only.

(III) For any other relief/reliefs for which the petitioner found entitled in the facts and circumstances of this case.”

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

- (a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;
- (c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (f) 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;
- (g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of

action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	