

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19936 of 2021

=====

Yadunandan Roy, Son of Late Yogendra Nath Ray, Resident of Village -
Mahaldar Tola, P.S. - Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate - Cum - Collector, Katihar.
3. The Senior Superintendent of Police, Katihar.
4. The Excise Superintendent, Katihar.
5. The Sub Inspector, Azamnagar (Salmari O.P.), Police Station, District - Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Respondent/s : Mr.Kumar Manish (SC-5)

=====

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 by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 03-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“i. That the present writ application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the respondent authorities to release the Auto Tempo (Three Wheeler) of the petitioner bearing Registration No. BR39PA-2247, Engine No. - S9A8952855, Chasis No. - MBX0003BFXB796342, in favour of the

petitioner, which was seized by the Sub-Inspector of Police in connection with Azamnagar (Salmari O.P.) P.S. Case No. 82 of 2020 registered for the offence under Section 7 of Essential commodities Act and/or for any other relief or reliefs to which the petitioner may be found entitled in course of hearing of this writ application.”

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 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) Petitioner 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) Petitioner 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 eight weeks 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 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;

(j) We have not expressed any opinion on merits and

all issues are left open;

(k) Liberty reserved to the petitioner 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	