

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20481 of 2021

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Lakshmi Devi, Wife of Late Manoj Kumar, Resident of Village - Rahui, P.S. -
Rahui, Dist - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Addl. District Magistrate, Nalanda.
5. The Certificate Officer cum S.D.O. Rajgir, Nalanda.
6. The Superintendent of Police, Nalanda.
7. The District Transport Officer, Nalanda.
8. The Excise Superintendent of Police, Nalanda.
9. The Officer in Charge Giriak, Nalanda.
10. The Officer in charge Rahui, Nalanda.
11. Ramesh Kumar S/O Krishna Prasad Sow, Resident of Village - Raypur, P.O.
and P.S. - Fatuha, Dist- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C.11)

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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 : 01-04-2022

Heard learned counsel for the parties.

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

“(i) For the issuance of an appropriate writ/order/direction for quash the order dated 24.08.2021 in letter no. 795 by which vehicle of the petitioner has been confiscate by the S.D.O. cum

certificate officer, Rajgir, Nalanda.

(ii) For the issuance of an appropriate writ/order/direction to the respondent to take the legal action to the authority for legal confiscation in violation of the order of the A.C.J.M. 1st Bihar Sharif, Nalanda.

(iii) For issuance of an appropriate writ/order/direction granting any other relief or reliefs for which the petitioner is fund entitled under law.”

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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	