

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1786 of 2021

In
Civil Writ Jurisdiction Case No.13029 of 2021

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Daisy Devi, Wife of Chandramauli Kumar, Resident of Village - Sorhipur,
Police Station - Warisaliganj in the district of Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, through Mr. Chaitanya Prasad, Son of not known to the petitioner, the Additional Chief Secretary - Cum - Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. Mr. Chaitanya Prasad, Son of not known to the petitioner, the Additional Chief Secretary - Cum - Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. Mr. B. Kartikey Dhanjee, Son of not known to the petitioner, the Commissioner, Excise, Bihar, Patna.
4. Mr. Yogendra Singh, Son of not known to the petitioner, the District Magistrate - Cum - Collector, Nalanda.
5. Mr. Hari Prasaths, Son of not known to the petitioner, the Superintendent of Police, Nalanda.
6. Mr. Sanjeev Kumar, Son of not known to the petitioner, the Officer - in - Charge, Giriak P.S. in the district of Nalanda.
7. Mr. Sharad Ranjan, Son of not known to the petitioner, the Officer - in - Charge, Katrisarai P.S. in the district of Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Kumar Manish (SC-5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 29-08-2023 The present M.J.C. is filed for non-compliance of the

order dated 29.07.2021 passed in C.W.J.C. No. 13029 of 2021.

2. Direction of this Court reads as under:-

“Petitioner has approached this Court



without availing the statutory remedy of revision against the impugned appellate order, as such, liberty is granted to the petitioner to file revision against the appellate order before the Revisional authority and if any such revision is filed within 4 weeks, then Revisional Authority shall condone the delay in filing the revision petition and shall decide the revision petition preferably within 8 weeks from the date of its filing on its own merit.

During pendency of revision petition, confiscated property/vehicle shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.”

3. Having regard to the aforementioned observations of this Court, the respondents should have waited for filing of revision petition by the petitioner till 26.08.2021, whereas the auction of the subject matter of motor vehicle is dated 17.08.2021. There is a serious lapse on the part of the respondents to the extent that they should have waited for filing of revision petition till 26.08.2021. At the same time, there are lapses on the part of the petitioner in not filing revision petition within a period of four weeks from 29.07.2021, i.e., before 28.08.2021, the petitioner should have filed revision petition within the time limit stipulated so as to stall the auction proceedings of the subject matter of motor vehicle. On the other hand, petitioner has filed revision petition on 24.05.2022 and the same was rejected on 04.07.2022. It is to be noted that petitioner's revision petition is not maintainable in view of the



time limit stipulated by this Court. The petitioner has not made any efforts in seeking review of the order dated 29.07.2021 passed in C.W.J.C. No. 13029 of 2021 to the extent of seeking extension of time to file revision petition. Similarly, the respondents auctioned the subject matter of motor vehicle in a hurriedly manner, violating the orders of this Court on 17.08.2021, i.e., prior to four weeks. There are lapses on both the petitioner and the respondents.

4. Accordingly, the present petition stands dismissed as not maintainable. For having violated the orders of this Court by the respondents, they are liable to pay cost of Rs. 25,000/-. Cost shall be remitted in the Patna High Court Legal Services Committee within a period of 8 weeks from the date of receipt of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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