

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18417 of 2022

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Sangita Devi, Wife of Late Bablu Choudhary, Resident of Village- Mahdipur,
P.S.- Doriganj, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra.
2. The District Magistrate, Saran at Chapra.
3. The Station House Officer, Doriganj Police Station, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-04-2023

Petitioner, the wife of the holder of a premises which was subject to confiscation proceedings is before us seeking return of the original title deed of the property. The confiscation proceedings were initiated under the Bihar Prohibition & Excise Act, 2016 for reason of recovery of liquor from the premises. On seizure, the premises was sealed, upon which the husband of the petitioner who was the owner of the property approached this Court with CWJC No. 5997 of 2018. By Annexure-2 order dated 19.04.2018 it was directed that the petitioner therein would deposit the original title deed before the District Magistrate-cum-Collector, Saran at Chapra and on such deposit



the premises would be unsealed and possession handed over to the petitioner, subject however, to the condition that the petitioner shall not alienate or deal with the house in question during the pendency of the confiscation proceedings. The confiscation proceedings were also directed to be continued and completed. In the meanwhile, husband of the petitioner, who was the petitioner in CWJC No. 5997 of 2018, died. It is admitted that there was no further proceeding taken in the confiscation case and it was closed as per Annexure-4. The petitioner now by the above writ petition seeks return of the title deed.

Learned Government Advocate submits that the petitioner has not approached the District Magistrate and the petitioner has not satisfied the District Magistrate that the property devolves on her, on the death of the original owner.

In such circumstances, the petitioner shall approach the District Collector, Saran at Chapra with a proper legal heirship certificate and seek return of the title deed(s) which shall be returned if the District Collector is satisfied that the petitioner is the sole/authorized legal heir. If there are more than one legal heirs, one of them with proper authorization from the other legal heirs could approach the District Collector who will release the



title deed(s) to the person who has such authorization. The District Collector on production of such legal heirship certificate and authorization if satisfied on the succession shall release the title deed(s) within a period of three weeks therefrom.

The writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
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