

Civil Writ Jurisdiction Case No.16794 of 2023

- Petitioner/s

1. The State of Bihar through Principal Secretary, Department of Pobhibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate-cum Collector, Bhagalpur.
3. The Senior Dy. Collector, District Revenue Section, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Officer-in-Charge, Shahkund (Sajour), Police Station, Dist - Bhagalpur.

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc 16)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 05-12-2023

In the instant petition, petitioner has assailed the notice dated 29.08.2023, by which the petitioner was asked to deposit a sum of Rs. 1,00,000/-.

2. Learned counsel for the petitioner submitted that dispatch of the notice is dated 13.09.2023 and it has been served on 16.09.2023, wherein conditions stipulated in the notice for depositing for a sum of Rs. 1,00,000/- towards penalty on or before 11.09.2023. It is submitted that entire



notice is defective.

3. On the other hand, we posed a question as to who is the owner of the subject matter of premises, wherein it is has submitted that petitioners are not owners of the subject matter of premises. Therefore, petitioners have no locus to file this petition. In such an event, authorities must have issued notice of penalty to a wrong party.

4. At this stage, learned counsel for the petitioner submitted that he may be permitted to withdraw the petition and real owner of the premises would approach the authority or to this Court with reference to cause of action for them.

5. Accordingly, the present petition is dismissed as withdrawn.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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