

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2558 of 2024

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Amit Kumar Singh S/o Sri Dhurandhar Prasad Singh, R/o Village- Rahul
Nagar Brahmpura, Post- M.I.T. Brahmpura, P.S.- Brahmpura, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and
Excise Department, Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Excise, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar
For the Respondent/s : Mr.Government Pleader (27)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-03-2024

In the instant petition, petitioner has prayed for the
following relief(s):-

*(i) To issue an appropriate
order/s,direction/s including a writ
preferably in nature of Mandamus
commanding the respondents to make
the payment of Excise Auction security
money amounting to Rs.36,000/- which
has been deposited by the petitioner
during the course of public auction
against purchasing of Maruti Alto Car
bearing Reg. No.DL4CAM-1717
during the course of auction which has
been held on 18-04-2022 at the office
of Superintendent of Excise,
Muzaffarpur under section 58(5) of
Bihar Prohibition and Excise Act,2016.*



(ii) To direct the respondent to make the payment of 18% interest on the abovementioned dues to the petitioner on account of delay and laches on the part of respondents

(iii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.

2. Petitioner was one of the auction purchaser/bidder in respect of Maruti Alto Car bearing Reg. No.DL4CAM-1717. He was successful bidder on 18.04.2022. Thereafter, the concerned officials were required to complete all other formalities in respect of handing over the vehicle along with the documents within a reasonable period of time say within a week or two. However, the vehicle was not handed over to the petitioner for one year and ten months. It is to be noted that the official respondents have opened their eyes in redressing the grievance of the petitioner only after filing the present petition and notice was ordered.

3. Counter affidavit has been filed on behalf of respondent nos. 2 and 3. In the counter affidavit, it is averred that SHO, Saraiya, Muzaffarpur is responsible in not redressing the grievance of the petitioner.

4. Be that as it may, the petitioner who was auction purchaser was compelled to wait for one year and ten months and presented this petition. Therefore, he is entitled to litigation cost and it is quantified @ Rs. 10,000/-. Cost shall be paid to the



petitioner within a period of eight weeks from the date of receipt of this order.

5. The concerned official respondents are hereby directed to take necessary action against such of those officials who have caused delay in redressing the grievance of the petitioner and recover the cost from the concerned persons after providing ample opportunity of hearing and so also resorting to Bihar CCA Rules, 2005 or relevant disciplinary rules/regulations governing such officials.

6. With the above observations, present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Vashudha/-
Shahzad

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

