

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7274 of 2024

Sanjeev Kumar son of Late Sita Ram Ray, r/o Village- Harpur Mahmadda,
Ward No.- 05, Police Station- Pusa, District- Samastipur- 848125

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Samastipur
2. The Collector-cum-District Magistrate, Samastipur
3. The Deputy Collector Land Reforms, Samastipur
4. The Superintendent of Police Samastipur
5. The S.H.O., Chakmehsi Police Station, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Adv.
For the Respondent/s : Mr.Birju Prasad, GP-13
Mrs. Shweta Anand, AC to GP-13

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

Date : 30-04-2024

In the instant petition, petitioner has prayed for
the following reliefs:-

*(i) To set aside the order
dated 01.02.2023 passed by the Deputy Collector
Land Reforms, Samastpur (Respondent No.-3) in
Confiscation Case No.-20 of 2022-23 arising out
of Chakmehsi P.S. Case No.-207 of 2022 whereby
vehicle of petitioner, Tata Yodhha bearing
registration No.-BR-33GB-4061, Chassis No.-
MAT464663MSK13522 Engine No.-
VARICOR12KYXJ14550 and another vehicle*



were confiscated and directed to superintendent of Prohibition to action the said vehicle.

(ii) To pay the amount of vehicle to the Petitioner and the finance company due with interest as the compensation.

(iii) To any other relief to which the petitioner is entitled.

2. The petitioner has not exhausted remedy of appeal before the Appellate Authority. It is also submitted that subject matter of the motor vehicle stated to have been auctioned. Obviously, the petitioner has failed to file appeal within a reasonable period of time.

3. Be that as it may, petitioner is at liberty to file appeal before the Appellate Authority within a period of four weeks from the date of receipt of this order. If such appeal is filed, the Appellate Authority is hereby directed to examine the petitioner's appeal and proceed to dispose of the same on merit within a period of two months.

4. We have noticed that there is no time limit for filing appeal before the Appellate Authority. In such circumstances, the concerned authority was required to examine the circumstances and number of days of delay so as to come to the conclusion that appeal was filed within a reasonable period



of time or not. In this regard, Appellate Authority is hereby directed to take note of Hon'ble Supreme Court decision in the case of **North Eastern Chemicals Industries (P) Ltd. and Another vs. Ashok Paper Mill (Assam) Ltd. and Another** reported in **2023 SCC Online SC 1649**.

5. Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.05.2024
Transmission Date	N.A.

