

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8867 of 2018

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Kanhaiya Kumar Son of Siba Saw Resident of ward No. 31 Kailash Nagar,
P.S. and District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. District Collector, Lakhisarai.
3. Transport M.V.I. Motor Vehicle Inspector, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Muneshwar Prasad, Advocate
For the Respondent/s : Mr. Sarvesh Kumar- GP 24

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-08-2025

1. Vide order dated 02.07.2025, this Court had observed that, upon perusal of the entire contents of the writ petition, it was not clear what the petitioner intended to convey. Accordingly, the petitioner was granted time to file a supplementary affidavit. Although the supplementary affidavit was filed, its contents also remained unclear.

2. However, in the interest of justice, this Court examined the annexures and relevant portions of the writ petition along with supplementary affidavit, to understand the relief



sought by the petitioner.

3. The petitioner has filed the present writ application seeking a direction upon the respondent, District Magistrate, Lakhisarai, to pay a compensation of Rs.3,63,500/- to Ramvilash Mandal @ Vilash Manda @ Bilash Mandal, son of Vido Mandal, who is admittedly a third party and not the petitioner before this Court. The petitioner claims to have sold his vehicle bearing registration no. BR 53A 6228 to the said third party on 01.12.2016.

4. The case of the petitioner is that his auto-tempo bearing registration no. BR 53A 6228 was seized on the allegation that 19 subsidized empty domestic gas cylinders were being illegally transported in the said vehicle. Thereafter, vide order dated 03.02.2018, the District Magistrate, Lakhisarai directed the Sub-Divisional Officer, Lakhisarai to auction the seized gas cylinders and further ordered that the seized vehicle (auto-tempo) be released in favour of the owner of the vehicle.



5. The petitioner has himself submitted in the supplementary affidavit that he had already sold the said auto-tempo on 01.12.2016 to one Ramvilash Mandal @ Vilash Manda @ Bilash Mandal, son of Vido Mandal. The Learned counsel for the petitioner submitted that the petitioner is entitled to compensation of Rs.3,63,500/- from the respondent District Magistrate, on the ground that the vehicle was allegedly kept under illegal seizure.

6. Heard learned counsel for the petitioner as well as learned counsel for the State.

7. From the materials on record, it appears that the petitioner's vehicle was seized by the Marketing Officer on 20.09.2016, based on the allegation that subsidized domestic gas cylinders were being illegally transported in the said vehicle. An FIR bearing P.S. Case No. 484 of 2016 (Lakhisarai (Kavaiya)) was lodged. Subsequently, Confiscation Case No. 92 of 2016 was initiated before the District Magistrate, Lakhisarai. By order dated 03.02.2018, the vehicle in question was directed to be released in favour of the petitioner.



8. It further appears from paragraph No. 2 of the supplementary affidavit that the petitioner has stated on record that he had sold the vehicle in question to one Ramvilash Mandal @ Vilash Manda @ Bilash Mandal, son of Vido Mandal, on 01.12.2016. The petitioner has also asserted that the said third party (Ramvilash Mandal) is entitled to receive the compensation amount. In support thereof, the petitioner has relied upon a Notary Affidavit dated 12.07.2025, wherein he claims to have transferred all ownership documents to the said third party.

9. From the above facts and circumstances, this Court is not inclined to grant any relief to the petitioner, as the vehicle in question was released more than seven years ago, the petitioner himself claims to have sold the said vehicle more than eight years ago and the compensation now claimed is intended to benefit a third party who is not a petitioner before this Court such relief is not legally permissible in the accordance with law.



10. In view of the above discussion, this Court finds that the present writ petition is not maintainable and liable to be dismissed.

11. Accordingly, the writ petition is dismissed, as devoid of merit.

12. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-Manish

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2025
Transmission Date	

