

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12030 of 2024

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Amit Kumar, Son of Sri Mahesh Prasad Singh, resident of village-
Narsingpur, P.S.- Musari, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna.
2. The Excise Commissioner, Tirhut Division, Muzaffarpur.
3. District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Excise Superintendent, Muzaffarpur.
6. The Officer-in-Charge, Bela Industrial Estate, Police Station- Bela, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Advocate
For the Respondent/s : Ms. Shweta Anand, AC to G.P13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-02-2025

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

*(i) For quashing of order dated
06.05.2024 passed by Additional Collector, Land
Reforms (East), Muzaffarpur whereas directed to
the petitioner for deposited the amount of Rs.
3,51,450/- as well as additional charged Rs.
10,544/- as a penalty amount as economic penalty
in pursuance of notification issued by the*



*respondent authority vide notification no. 4541
आपरासा dated 19.08.2023 as well as notification
no. 2448 dated 05.04.2022 Kandika 12(ख)(2).*

*(ii) For issuance of a direction to the
respondent authority to refund the aforesaid
amount which is deposited by the writ petitioner as
under compulsion through the challan DIC Form
IV.*

*(iii) For grant of any other
relief/reliefs to which the petitioner may be found
entitled to in the interest of justice.”*

2. Petitioner has a statutory remedy of appeal before the Appellate Authority. Learned counsel for the petitioner submitted that Additional Collector is not the competent authority on the other hand, it is the Collector who has to pass order in the confiscation. We have already noted in identical matter to the extent that Collector can delegate his power to Additional Collector. In view of such delegated powers, the Additional Collector, Land Reforms (East), Muzaffarpur has passed the impugned order. Therefore, petitioner is relegated to Appellate Authority, if such appeal is filed by the petitioner within a period of three months from the date of receipt of this order. The concerned Appellate Authority is requested to pass suitable order in appeal to be filed within a



reasonable period of time of two months from the date of receipt of appeal.

3. With the above observations, the present Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2025
Transmission Date	NA

