courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.

Website: www.courtkutchehry.com

Printed For:

Date: 24/10/2025

Anil Kumar Alias Amit Mahto And Anr Vs State Of Bihar And Ors

Civil Writ Jurisdiction Case No. 24890 Of 2019

Court: Patna High Court

Date of Decision: July 8, 2020

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Prakash Mahto, Vikash Kumar

Final Decision: Disposed Of

Judgement

Heard learned counsel for the petitioners and learned counsel for the respondents.

Petitioners have prayed for the following relief:-

(I) For issuance of an appropriate writ(s),order(s) and direction(s) commanding the respondents especially for quashing the order dated 16.08.2019

passed by the Collector, Jamui in confiscation Case No.57/2018 which has been communicated to the petitioner vide Memo No.1989 dated 19.09.2019

under signature of the Deputy Collector Incharge, Legal Branch, Jamui in Confiscation Case No.57/2018 (arising out of Chandradeep P.S. Case No.

26/2018) whereby and whereunder he was pleased to confiscate the house of the petitioners and directed to put on auction.

(II) During pendency of this writ petition operation of the impugned order dated 19.09.2019 may kindly be stayed.

Petitioners have approached this Court without exhausting the statutory alternative remedy of appeal/revision, as such present writ petition is disposed

of with liberty to petitioner to file appeal against the order passed by the District Magistrate cum Confiscating Officer which was an ex parte order.

It is submitted on behalf of petitioners that no notice was ever served upon the petitioners and case was heard ex parte in their absence, as such, order

as impugned may be recalled and confiscating officer may pass a fresh order after hearing the petitioners.

The writ petition is disposed of with a direction to the petitioners to avail the statutory alternative remedy of appeal/revision to be filed within 60 days

and if such appeal is filed, the delay in filing appeal may be condoned by the Appellate Authority keeping in view the fact that the matter remained

pending before this Court. It shall be open for the petitioners to raise the issue of non service of notice and passing of ex parte order against him

without hearing them. During pendency of appeal the confiscated property shall not be auction sold.