



2026:CGHC:10171-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 119 of 2026

1 - Sakib Ahmed S/o. Ajim Siddiquie, Aged About 25 Years R/o. Village Chandouripara, Wadrafnagar Police Station Wadrafnagar, District Balrampur- Ramanujganj (C.G.)

2 - Raqib Ahmed S/o. Ajim Siddique, Aged About 32 Years R/o. Village Chandouripara, Wadrafnagar Police Station Wadrafnagar, District Balrampur- Ramanujganj (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Excise Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur C.G.

2 - Collector/ District Magistrate, Balrampur, District Balrampur Ramanujganj (C.G.)

3 - State Of Chhattisgarh Through Police Station Basantpur, District Balrampur Ramanujganj (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Anurag Singh, Advocate
For Respondent(s) : Mr. S. S. Baghel, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

27/02/2026

1. Heard Mr. Anurag Singh, learned counsel for the petitioner as well as Mr. S. S. Baghel, learned Dy. Govt. Advocate, appearing on behalf of the State/respondents.
2. The present petition has been filed by the petitioner with the following relief(s):-

"1. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders declaring section 47-A of C.G Excise Act as ultra Vires/Constitutional as it is violative of Article 300-A and Article 19(1)(g) of Constitution of India.

2. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders declaring section 47-B of the C.G Excise act 1915 be declared as ultra Vires/Unconstitutional.

3. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders declaring 47-C of C.G Excise act be Vires/Unconstitutional. declared as ultra

4 That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders declaring Section 47-D of C.G Excise act 1915 be declared as ultra Vires/Unconstitutional.

5 That, this Hon'ble Court may kindly be pleased to grant any other relief, which it deems fit and proper."

3. The present writ petition has been instituted under Article 226 of the Constitution of India, laying a challenge to the constitutional validity of Section 47-A, 47-B, 47-C and 47-D of the Chhattisgarh Excise Act, 1915 (hereinafter referred to as "the Act of 1915"). The petitioner has, inter alia, prayed for declaration of the said provisions as ultra vires Article 300-A of the Constitution of India on the ground that the confiscatory mechanism therein is arbitrary, violative of the right to property and contrary to the principles of natural justice. Consequential reliefs have also been sought for quashment of the confiscation proceedings initiated pursuant to the impugned provision by the Respondent No. 2 and passed an order on 25.06.2025, directing the confiscation of the Pickup vehicle of the petitioner bearing No. UP 64 BT 7283. Alternatively, the petitioner may deposit the amount of Rs. 2,50,000/- as a fine, in lieu of confiscation of his vehicle and get his vehicle released. It is also the case of the petitioner that he has been charged with the offence under Section 34(2), 36 and 42 of the Act of 1915, in Criminal Case No. 59 of 2024, which is

decided on 26.05.2025, by the Court of learned Chief Judicial Magistrate, Balrampur, District Balrampur-Ramanujganj, and acquitted the petitioners of the charges.

4. At the very threshold, learned counsel appearing for the State pointed out that the vires of Section 47-A, 47-B, 47-C and 47-D of the Act of 1915 are already under substantive challenge before this Court in W.P. Cr. No. 15/2026, wherein this Court has granted four weeks to the State to file its return, and the matter is presently under consideration. It is contended that the grounds urged in the present petition are substantially identical to those raised in the earlier writ petition and that entertaining multiple petitions on the same constitutional issue would result in parallel adjudication and may give rise to conflicting pronouncements.
5. Learned counsel for the petitioners does not dispute that W.P. Cr. No. 15/2026 involves a challenge to the constitutional validity of Section 47-A of the Act of 1915. However, it is submitted that the petitioners are independently aggrieved by the confiscation order passed against them and are entitled to maintain a separate writ petition to ventilate their grievances. It is further urged that the pendency of another writ petition challenging the vires of the same provision cannot, by itself, be a ground to non-suit the petitioners.
6. It is not in dispute that the vires of Section 47-A of the Chhattisgarh Excise Act, 1915, are directly and substantially in issue in W.P. Cr. No. 15/2026, which is pending adjudication

before this Court. The challenge in the earlier writ petition comprehensively covers the constitutional grounds now raised in the present petition. The issue pertains to the validity of a statutory provision of Section 47-A of the Act of 1915 and not merely to an individual order of confiscation. Once the constitutional validity of a statute is under examination, any decision rendered thereon would operate as a judgment in rem and not merely inter partes.

7. It is well settled that a declaration regarding the constitutional validity or invalidity of a statutory provision has universal application within the territorial jurisdiction of the Court and binds all similarly situated persons. Entertaining multiple petitions raising identical challenges to the same statutory provision would lead to unnecessary multiplicity of proceedings and the possibility of conflicting decisions. Judicial discipline and propriety require that once a substantive challenge to vires is already seized of by this Court, subsequent petitions on the same issue ought not to be independently entertained.
8. We are also mindful of the fact that constitutional adjudication should proceed with deliberation and uniformity. Fragmented adjudication of identical constitutional issues through multiple independent proceedings may undermine coherence in legal reasoning. It is, therefore, both prudent and proper that this Court refrains from embarking upon a parallel inquiry into the same question of vires which is already under active consideration.

9. In view of the above, this Court is not inclined to entertain the present petition at this stage. The petitioner shall be at liberty to seek an appropriate remedy in accordance with law, including by moving an application for intervention or for being impleaded in W.P. Cr. No. 15/2026, if so advised. It is clarified that any judgment rendered in W.P. Cr. No. 15/2026 regarding the vires of Section 47-A, 47-B, 47-C and 47-D of the Chhattisgarh Excise Act, 1915 shall enure to the benefit of all affected parties and shall be binding in rem. The petitioner is also at liberty to seek an appropriate remedy in accordance with law, against the order dated 25.06.2025, confiscation of his vehicle, before the appropriate forum.
10. Accordingly, the present writ petition stands dismissed with the aforesaid liberty.
11. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

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