

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.567 of 2015

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Shamim Sah @ Shamim son of Late Taslim Sah, resident of Mohalla
Khagra Karbala, P.S. Kishanganj, District Kishanganj.

.... Petitioner/s

Versus

- 1.The State of Bihar.
- 2.The Excise Commissioner, Department of Excise, Patna.
- 3.The Dy. Excise Commissioner, Darbhanga Region, Darbhanga.
- 4.The District Magistrate, Kishanganj.
- 5.The Excise Superintendent, Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv

For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-15

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 20-01-2015 Heard learned counsel for the parties.

Having regard to the fact that there is certificate proceeding against the petitioner which has been sought to be assailed in this writ application, it must be held to be wholly ill advised and thus misconceived for a simple reason that the petitioner has a statutory alternative remedy initially by way of filing an objection under Section-9 of the Bihar Public Demand Recovery Act and also pursuing remedy of appeal and/or revision in terms of Section-60 and 62 of the same Act in case he is still aggrieved against the order passed by the Certificate Officer. Reference in this connection may usefully be made to the judgment of division bench of this Court in the case of *Sawar Mal Choudhary & Ors. Vs. State Bank of India & Ors.*

reported in **1986 PLJR 660**.

That being so, this writ application is, accordingly,
dismissed as not maintainable.

(Mihir Kumar Jha, J)

