

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6179 of 2015

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Abha Jaiswal, W/o of Ashok Kumar Jaiswal, resident of village Birauli Bazar, P.S. Rupauli, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Excise Department, Govt. of Bihar, Patna.
2. The Commissioner, Purnea Division, Purnea.
3. The District Magistrate, Purnea.
4. The Superintendent of Excise, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh,
A.C. to P.A.A.G.-I

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-11-2016

Initially, the writ petition was filed for settlement of wine shops for the financial year 2015-16 on the ground that she was the lowest tenderer. But later, the petitioner has also claimed damages for the loss incurred due to inaction of the respondents.

In the counter affidavit submitted on behalf of respondents no. 3 and 4, it is stated that one complaint was received from one Niranjana Jaiswal, who was the second lowest tenderer, to the effect that the signature of the petitioner on the settlement and affidavit are forged and fabricated. An enquiry was held to examine the

allegations leveled. After receipt of the enquiry, the settlement in favour of the petitioner of 37 excise shops was granted. Thus, the assertion of the petitioner is not tenable.

We have heard learned counsel for the parties and find that the grievance of the petitioner stands redressed when the 37 excise shops have been granted to the petitioner on a licence for sale of liquor. The only surviving grievance is regarding damages for 16 days, i.e. from 01.04.2015 to 16.04.2015. Such damages cannot be granted in the present writ petition as there exists sufficient explanation as to why the licenses were granted after delay that is on account of a complaint made by the next tenderer alleging forged and fabricated signature of the petitioner.

In view thereof, we do not find that any relief can be granted to the petitioner. Dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Sunil

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
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