

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6450 of 2015

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1. The State of Bihar, through the Excise Commissioner, Bihar, Patna.
 2. The Collector, Jehanabad.
 3. The Superintendent of Excise, Jehanabad.

.... Petitioner/s

Versus

Jitendra Singh S/o Raj Kishore Singh, resident of Makhdumpur, P.S. Makhdumpur,
Dist. - Jehanabad.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6098 of 2015

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1. The State of Bihar, through the Excise Commissioner, Bihar, Patna.
2. The Collector, Jehanabad.
3. The Superintendent of Excise, Jehanabad.

.... Petitioner/s

Versus

Jitendra Singh, S/o Raj Kishore Singh, Resident of Makhdumpur, P.S.-
Makhdumpur, Dist.- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 06-12-2016

Heard learned counsel for the parties.

2. The challenge in C.W.J.C. No. 6450 of 2015 is to the order dated 27th of May, 2014, passed by the Chairman-cum-Member Board of Revenue, Bihar, whereas the challenge in C.W.J.C. No. 6098 of 2015 is to the order dated 22nd October, 2014 whereby, the license fee was sought to be recovered from the respondent, was set aside for the reason that change in the shops'



auction has been affected without notice to the licensee.

3. In an auction of liquor shop conducted on 21st of February, 2014, the respondent herein was found to be highest bidder in respect of shop nos.- 4, 5 and 6 in the Nagar Parishad, Jehanabad. However, on 22nd February, 2014, there was change in respect of all the three shops regarding Ward No. 6, shifted from Unta Kanya Madhya Vidyalaya to south and the Ward No. 18 from Government Girls Middle School to north.

4. Admittedly, no notice was served upon the licensee before change in the area of shops auction in his favour. If as change affects the rights of the licensee and thus, there cannot be any recovery on account of the change of area of the shop without notice to the licensee.

5. Accordingly, we do not find any merit in the writ petitions. The writ petitions are thus dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

P.K./D.K.S.

AFR/NAFR	NAFR
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