

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19283 of 2018

=====

M/s Rawati International Pvt. Ltd. Biscomaun Colony, P.S. Alamganj Town,
District- Patna through its Director, Jitendra Prasad Singh, S/o Late Ram
Pratap Singh, R/o-Satnag P.S. Chandi District-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition
Department, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna.
3. The Joint Commissioner Excise, Bihar, Patna.
4. The Superintendent of Excise, West Champaran, Bettiah
5. The Collector, West Champaran, Bettiah.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Advocate
For the Respondent/s : Mr.Anil Kr. Sinha- GA-1

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-02-2020 The petition filed on 24.09.2018 is listed for hearing
for the first time today before the Court.

Petitioner has prayed for the following relief:

“(i). For issuance of an appropriate writ,
order or direction in the nature of writ of certiorari for
quashing part of the order dated 14.08.2018 passed in
Board Revision Case No. 49 of 2016 whereby and
whereunder the Learned Chairman cum Member,
Board of Revenue, Bihar, Patna while remanding the
matter to the Collector has restrained the petitioner
from availing the statutory remedy of revision before



the Board of Revenue, Bihar, Patna under Section 8(3) of the Bihar Excise Act, 1915 any further.

(ii) For issuance of an appropriate ad interim writ, order or direction staying the operation of the order dated 14.08.2018 passed in Board Revision Case No. 49 of 2016 during the pendency of the instant writ application.”

The impugned order dated 14.08.2018 passed by the Chairman-cum-Member, Board of Revenue, Bihar, Patna in Board Revision Case No. 49 of 2016, titled as M/s Rawati International Pvt. Ltd. Vs. The Collector, West Champaran, Bettiah reads as under:-

“Ld. Lawyer for petitioner present. Ld. G.P. as well as Inspector Excise present. Perused the record. It appears that this court as well as Hon’ble High Court have directed the Collector, West Champaran to calculate the quantum of penalty. The Collector has complied with the direction. The Petitioner has again come to this court and pleaded that the point raised by the petitioner before the Collector have not been considered.

However I find the Collector has complied with the directions of the court as well of Hon’ble High Court, but since the petitioner wants again the Collector to recalculate the quantum of penalty



considering the point raised by petitioner.

The Collector is directed to calculate the quantum of penalty considering the point raised by the petitioner. It is also ordered that the petitioner would not be entitled to come to this court again.”

Petitioner is aggrieved only by the last sentence of the order reproduced herein above.

Statutory right cannot be prohibited by way of a judicial order, more so, without assigning any reason. As such, this part of the direction contained in the impugned order is quashed and set aside.

The petition stands disposed of accordingly.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

P.K.P./-Utkarsh

U			
---	--	--	--

