

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15211 of 2019

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Shyam Sundar Choudhary S/o Laxman Choudhary Resident of Vill.-
Bhachhiar,PS Jamui,Dist.Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition
Department,Bihar,Patna
2. Excise Commisioner, Excise and Prohibition Department,Bihar,Patna
3. The Collector, Jamui
4. The Superintendent of Excise, Jamui
5. Bihar State Beverages Corporation Ltd. through its Managing Director.
6. Managing Director, B.S.B.C.L.,Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakash Kumar
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

Date : 13-08-2020

Petitioner has prayed for following relief:-

- (i) For issuance of writ of certiorari quashing the order
dated 11.01.2019 passed by the Collector, Jamui in



Misc. Case No.05/2018 whereby the Collector, Jamui has been pleased to reject the claim of the petitioner.

(ii) For issuance of writ of mandamus directing the respondent(s) to refund the “movement free” deposited by the petitioner for the month of February 2016 with respect to composite shop No.03 and composite shop no.10 of the district of Jamui for financial year 2015-16

(b) To direct the respondents to refund the amount of money for the loss of profits @ 15% on the estimated sale of monthly quota of liquor with respect to composite shop no.07 & 08 and country liquor shop no.03 of Nagar Parishad Jamui as well as interest @ 12% per annum from the date the petitioner became entitled for refund to the date of actual refund on the amount refundable to the petitioner.

(iii) For further direction to refund of the licence fee for the month of February 2016 and March 2016.

(iv) For issuance of any other writ(s), order(s) or direction(s) as may be deemed fit and proper by this Hon’ble Court.

Petitioner has approached this Court against the order dated 11.1.2019 passed by the District Collector, Jamui in Miscellaneous Case No.05 of 2018 without availing the statutory remedy of appeal against the impugned order as such writ petition is disposed of with liberty to petitioner to prefer appeal before the appellate authority who shall consider the appeal on its own merit and delay in filing appeal may be condoned by the appellate authority as the matter remained



pending before this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2020
Transmission Date	NA

