

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3177 of 2021

1. Bihar Tanker Owners Association through its President Irfan Ahmad Dilkash (Male), aged about 52 years, Son of Hafiz Mohammad Kasim, Resident of Village and P.O.- Damodarpur, P.S.- Kanti, District- Muzaffarpur, having its office at Chandni Chowk, NH-28, P.S.- Kanti, Muzaffarpur.
2. Irfan Ahmad Dilkash Son of Hafiz Mohammad Kasim Resident of Village and P.O.- Damodarpur, P.S.- Kanti, District- Muzaffarpur.
3. Ashok Kumar Tiwari Son of Shri Ganesh Tiwari Resident of Ward No.- 9, Mohalla- Adhivakta Nagar, P.S.- Gopalganj Town, District- Gopalganj.
4. Md. Ehsan Azam Son of Late Md. Kasim Resident of Village- Arania, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Commissioner, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Deputy Commissioner, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
4. The Commissioner, Department of Transport, Government of Bihar, Patna.
5. Indian Tankers Pvt. Ltd. through its Managing Director, having its registered office at B-1/3, Sector-15, G.I.D.A., Sahjanwa, Gorakhpur (Uttar Pradesh)- 273209.
6. Indian Infratech through its authorized signatory, having its registered office at 1st Floor, Shop No.22, Church Complex, In front of St. Andrewa Inter College, Shastri Chowk, Gorakhpur (Uttar Pradesh)- 273001.

... .. Respondent/s

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Adv
For the Respondent/s : Mr. Kumar Manish SC-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 12-07-2021



Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“A. For cancellation of registration of private respondent nos. 5 and 5 with Excise and Prohibition Department, Government of Bihar, Patna for transportation of raw material, finished material and intermediate material relating to liquor, molasses, ENA Ethanol etc. within the State of Bihar, done pursuant to Advertisement of Excise and Prohibition Department in view of the facts and circumstances mentioned in this writ application.

B. For a direction to the official Respondents to not register any transporter, tanker, truck etc. which is from outside of Bihar to transport the materials (liquor, molasses, ENA Ethanol etc.)

C. For a direction to the concerned respondent authority/State Transport Department to make appropriate enquiry in regard to the permits of respondent nos. 5 and 6 and to initiate appropriate action for violation of the permits if any, in view of the facts and circumstances mentioned in this writ petition.”

After the matter was heard for some time, learned counsel for the petitioner, states that petitioner shall be content if a direction is issued to the **respondent no. 2**, to consider and decide the representation which the petitioners shall be filing within a period of 8 weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of 8 weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and



subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

