

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.238 of 2022

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Nathuni Mahto Son of Bhikhar Mahto Resident of Village- Sheohar Ward
No.14, P.S. Sheohar, District- Sheohar, Working as State Chairman, New
Akhil Bhartiya Pasi Samaj, Bihar, Pradesh, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar,
Patna.
3. The Principal Secretary, Department of Registration Excise and Prohibition,
Government of Bihar, Patna.
4. The Excise Commissioner, Bihar, Patna.
5. The Collector, Sheohar.
6. The Superintendent of Excise, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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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 : 13-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For issuance of writ in the nature of mandamus directing and commanding the Respondent State Government to urban the Neera (unfermented juice of Palms) coming into force on 18/03/2017 Rules, 2017 as after passing of more than five years the Respondent Authorities did not fulfil their pledges to employ through Jeevika by training and sanctioning loan to facilitate many products made of Neera (unfermented juice of Palms) for the person, who is already engaged in tapping Neera traditionally.
- (ii) For further direction to the State Government to test the fermentation in luddy tapped from Date tree through Government Laboratory within 6 hours in which no fermentation is found, not harmful for anybody whereas it is good for health.
- (iii) For further direction to the Respondent Authorities to dispose of the representation of the Petitioner by reasoned and speaking order within time framed.
- (iv) For any other relief/reliefs for which your Lordships may deem fit and proper;

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned, respondent no.4, the Excise Commissioner, Bihar, Patna or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four 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 four 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 four 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 four 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 petitioner to take recourse to such alternative remedies as are otherwise

available in accordance with law;

(e) We are hopeful that as and when petitioner takes 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 petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

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

(i) 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.01.2022
Transmission Date	NA