

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6768 of 2023

=====

Premchandra Sharma Son of Bauaji Thakur, Resident of Village- Parsauni
North, Ward No. 07, Police Station- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad (Gp7)
Ms.Supragya, AC to GP-7

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 14-07-2023 The petitioner has prayed for the following relief(s):-

“(i) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of a writ Mandamus, directing the respondent Collector to release the vehicle of the petitioner namely i10 grand car, bearing Registration No. BR07AG-0489, Chassis No. MALAB51CLJM917353, Engine No. G4LAJM037535, which has been seized by the police officials under Mejorganj Police Station, bearing Riga Police Station bearing Riga P.S. Case No. 511 of 2022 dated 16.11.2022 instituted for the offence under sections 414 of the Indian Penal Code and sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

(ii) To grant any other



relief of reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

2. For issuance of Writ of Mandamus two ingredients are necessary namely, demand/application/representation, before the competent authority. The other ingredient is that competent authority must have statutory duty vested with him in deciding the petitioner's grievance. The first ingredient is not forthcoming in the present petition. On this short ground, the present petition stands disposed of as it is not maintainable. Reserving liberty to the petitioner to approach the competent authority.

3. Learned counsel for the respondents on instructions submitted that subject matter of vehicle is stated to have been auctioned. In such an event, the petitioner has a fresh cause of action insofar as challenging auction proceedings. This may also be taken note of by the petitioner in invoking appropriate remedy.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

abhishekk/-

U			
---	--	--	--

