

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7204 of 2023

=====

M/S Ashirvad Plasto through its Proprietor Devkinandan Bihani (male), aged about 67 years, Son of Sri Raghunath Prasad Bihani, At Nandan, Post-Lothan Rampuri, Hari, PS. Maripur, District- Muzaffarpur Resident of near R.K. Ashram, Bela Mithanpura, Police Station - Bela, District- Muzaffarpur-842002

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Officer-in-Charge, Bela Industrial Estate, Police Station - Bela, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Prasad, Advocate

For the Respondent/s : Mr.Vikash Kumar (Sc11)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

6 28-08-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For issuance of a direction to the respondent authority with regard to open the seal of the petitioner factory bearing Land Plot No. D-13, Industrial Estate, Muzaffarpur area of land 5400 square feet, the lease hold land for production of PVC pipe, granules and suthly on the basis of lease hold land for a period of 93 years which has been sealed



by the Excise Department during the pendency of confiscation proceedings and a criminal case OR prejudice right of state for confiscation proceeding.

(ii) For issuance a direction that the sealed factory may be unsealed and handed over to the possession of the petitioner (Proprietor Ashirvad Plasto Industries) within stipulated period.

(iii) For grant of any other relief/reliefs to which the petitioner may be found entitled to in the interest of justice.”

2. The present writ petition for issuance of direction to the concerned respondent under Article 226 - Writ of Mandamus is not maintainable in view of the fact that the petitioner has rushed to this Court without approaching concerned authority. Therefore, one of the ingredient for issuance of Writ of Mandamus that there must be a demand before the competent authority in the form of representation or application is not forthcoming in the present writ petition and it is not maintainable.

3. Accordingly, the present petition stands disposed of as it is not maintainable. Disposal of the present writ petition would not be a hurdle for the petitioner to submit detailed representation or application before the competent authority.

4. The competent authority is hereby directed to take



note of the petitioner’s grievance read with the Rule 12B of Bihar Prohibition & Excise (Amendment) Rules, 2022 and proceed to pass an order within a reasonable period of one week from the date of receipt of petitioner’s application.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

U			
---	--	--	--

