

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10111 of 2023

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Manoj Chaudhari Son of Sri Karu Chaudhari, Resident of Village - Kendua,
P.O. - Kendui, P.S. - Magadh Medical College, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
3. The District Collector cum District Magistrate, Patna.
4. The Senior Deputy Collector, Patna.
5. The Superintendent of Police, District- Patna.
6. Station-House-Officer, Masaudhi Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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

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

Date : 14-09-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“a. For issuance of writ in the nature of Mandamus for directing the respondents to release the vehicle (Three Wheeler Tempo) bearing Registration No. BR 02 PB 3211, Chassis No.



MCG27P3DKK1965676, Engine No. A9K1258395, which has been seized in connection with Masaudhi P.S. Case No. 637/2021 dated 19.11.2021 registered under sections 30 (a) of the Bihar Prohibition & Excise Act.

b. Any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

3. The aforementioned reliefs sought is not supported by any material information to the extent whether petitioner has approached the concerned authority in demanding for release of the vehicle in the form of application or representation so as to enable the concerned authority to examine the grievance of the petitioner under Rule 12 A of the Bihar Prohibition & Excise (Amendment) Rules, 2022 (for short ‘Rules, 2022’). In the absence of such application or representation, question of issuance of writ of mandamus to the concerned authority is not warranted.

4. Accordingly, present petition stands disposed of as not maintainable. However, disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12 A of the Rules, 2022. If such representation or application is submitted by the petitioner before the concerned authority, the authority is hereby directed to decide the petitioner’s grievance within a period



of one month from the date of receipt of such application or representation.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2023
Transmission Date	NA

