

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11401 of 2023

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Rajib Hussain Son of Siddique Ali, Resident of village - Ghilajhari, P.S. -
Howly, District - Barpeta (Assam) PIN - 781316.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Superintendent of Police, East Champaran at Motihari.
4. The Excise Superintendent, District - East Champaran.
5. The SHO, Kotwa P.S. District, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (GP- 7)
		Ms. Supragya, AC to G.P.-7

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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 : 22-08-2023

Heard learned counsels for the parties.

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

"i For issuance of an appropriate writ in the nature of Mandamus directing the respondents to release Eicher Truck of the petitioner bearing Registration No.- **AS28C9961**, Engine No- **E446CDNC030690**, Chesis No- **MC2EGFRC0NCB13658** which was seized in connection with Kotwa P.S. Case No- 468/2022 registered under section 272, 273, 34 IPC as well as 30(a), 32, 36, 41 (I)(II) of the Bihar Excise (Prohibition & Excise Amendment) Act, 2018.

(B) For issuance of any other relief/reliefs for which may be deemed fit and proper by this Hon'ble Court."



3. For issuance of writ of mandamus two ingredients are necessary, namely, representation/ application before the competent authority and such competent authority is empowered to exercise statutory duty in considering the petitioner's grievance. The first ingredient is not forthcoming. Therefore, the present writ petition is not maintainable.

4. Accordingly, the present writ petition stands disposed of as not maintainable. Disposal of the writ petition would not be a hurdle for the petitioner to submit a detailed representation before the competent authority. If such a representation is submitted, the competent authority is hereby directed to take note of Rule 12 A of Bihar Prohibition and Excise Rules, 2021 and consider the petitioner's grievance within a reasonable period of time of two weeks from the date of receipt of petitioner's representation/application.

5. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	25.08.2023
Transmission Date	N.A.

