

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11853 of 2023**

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Nirmala Devi Wife of Late Dilip Mahto, D/o Bikao Mahto, Resident of House no.- 43, Tailor Tola, Sangat Nagar, Bhauaara, Ward No. 23, Bhavara, P.O. and P.S.- Mdhubani Bhowara, District- Madhubani, Bihar- 847212.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner, Patna, Bihar.
3. The District Magistrate Cum Collector, Madhubani, Bihar.
4. The Superintendent of Police, Madhubani, Bihar.
5. The Excise Superintendent of Police, Madhubani, Bihar.
6. The Excise Inspector, Madhubani, Bihar.
7. The Officer-in-Charge, Madhubani Town Police Station, Madhubani.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Neha Kumari, Advocate  
For the Respondent/s : Mr. Vivek Prasad (GP7)

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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 : 29-08-2023**

Heard learned counsel for respective parties.

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

*"(i) For issuance of writ(s)/order(s)/direction(s) including the writ in the nature of mandamus commanding the respondents to release the one room seized in the residential house of the petitioner situated at ward no.-23, Mauja – Bhowara, Khesra no. - 5493 of District- Madhubani (Bihar), which has been seized in connection to Madhubani Town P.S. case no. 33/2023 dated 29.01.2023 registered under section 30(a) of Bihar Prohibition Excise Act, 2016.*

*(ii) For during the pendency of the present writ petition, the respondents may be restrained from*



*taking any coercive step in pursuance of the proceeding under Bihar Prohibition Excise Act, 2016;*  
*(iii) For any other relief/reliefs for which the petitioner is found entitled to on the facts and in the circumstances of the instant case."*

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.

**(P. B. Bajanthri, J)**

Vikash/-

**(Arun Kumar Jha, J)**

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