

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13842 of 2023

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Laveneet Kamboj @ Lavnit Kamboj Son of Rajkumar Kamboj, Resident of
C- 12, 13, Tejpai Singh Inclave, P.S.- Meerut, District- Meerut (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Excise Superintendent, Nawada.
4. The Excise Inspector-cum-SHO, Excise Police Station, Nawada.
5. The Assistant Excise Sub-Inspector namely Ramakant Ram, Check Post
Rajouli, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, 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 : 27-09-2023

Heard learned counsel for the respective parties.

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

*"(i) For issuance of writ in the
nature of mandamus directing and
commanding the respondents to release the
Tata Tiago vehicle of the petitioner bearing
Registration No. UP15DU-6811 in favour of
the petitioner which has been seized in
Nawada Excise P.S. Case No. 370 of 2023 at
Rajouli Check Post on dated 19.04.2023.*



(ii) For any other relief/reliefs to which the petitioner may be entitled to."

2. Writ petition is not mainatable in view of the fact that petitioner has failed to approach the concerned authority before filing the present petition in respect of seeking writ of mandamus under Article 226 of the constitution. In the absence of demand before the competent authority read with the statutory duty vested in the concerned respondent, this court cannot issue writ of mandamus. Accordingly, the present petition stands disposed of as not maintainable.

3. Disposal of the present petition would not be a hurdle for the petitioner to submit an application in the prescribed form for the purpose of release of the vehicle under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021. In the alternative petitioner is at liberty to participate in the confiscation proceedings. The concerned authorities are hereby directed to expedite the matter in terms of the provision of law.

(P. B. Bajanthri, J)

Vikash/-

(Arun Kumar Jha, J)

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

