

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13571 of 2023

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Ambika Panwar W/o Manoj Panwar, G- 83/B3, First Floor Front Side, Kiran
Garden Extension, Uttam Nagar, West Delhi, Delhi- 110059.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Excise, Govt. of Bihar, Patna.
3. The District Magistrate, Kaimur.
4. The S.H.O Kaimur Excise, Police Station, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Noushad Khan, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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

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

2 22-09-2023 Heard learned counsel for the respective parties.

02. In the instant writ petition, petitioner has prayed
for the following relief(s):-

*“(i) For issuance of an
appropriate writ commanding and
directing the respondents to release the
seized Tata Motors car Model NEXON,
Sub model XM(S) 1.2 RTN BS6
(COLOUR) FOLIAGE, Body Type 5
Door Steel Steel, Petrol, bearing Regd.
No. DL-9CAZ-6167, Engine No.
REVTRN11HXXKA6515, Chassis No.
MAT627243NLH89740, 1199 CC, in*



connection with Kaimur Excise P.S. Case/PR no.416/2023, dated 06 29.06.2023, instituted for the offences under sections 30(a) and 32(3) of Bihar Amendment Act 2022. Prohibition and Excise

(ii) For issuance of any other relief/reliefs as your lordship may deem fit and proper which the petitioners may find entitled with the facts and the circumstances of the present case in the favour of the petitioner above named.”

03. 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.

04. Accordingly, the present writ petition stands disposed of as not maintainable.

05. Disposal of the present writ petition would not be a hurdle for the petitioner to file a detailed application/ representation before the competent authority under the relevant provisions of the Bihar Prohibition and Excise Act, 2016 and Rules framed thereunder. If such application/ representation is



filed, the competent authority is hereby directed to take note of the petitioner's grievance and redress the same in the light of relevant provisions including Rule 12(A) of Bihar Prohibition and Excise Rules, 2021 by passing a suitable order within a reasonable period of three weeks from the date of receipt of petitioner's representation/application.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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