

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13660 of 2023

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Saddam Hussain Son of Mumtaz Ali, Resident of Village- Bhopatpur Kaswa,
P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Superintendent of Excise, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)

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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):-

“(a) To issue an appropriate writ/order/direction, in the nature of writ of Mandamus directing the respondent Collector to release Baleno car bearing registration no.BR06CS6220, which has been illegally seized by the S. I. in Mohammadpur P. S. Case No. 38 of 2023 dated 20.02.2023 instituted for the offences under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

(b) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”



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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