

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16038 of 2023

=====

Rajjak Ansari @ Md. Rajak Ansari S/o Late Hanif Miya, Resident of Village -
Murradih, Barwadda, P.S. - Barwadda, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Munger Range at Munger.
4. The Deputy Inspector General of Police, Munger.
5. The District Magistrate, Khagaria.
6. The Superintendent of Police, Khagaria.
7. The State House Officer, Pasraha Police Station, District Khagaria Shree
Devendra Kumar, S.I. Pasraha Police Station, District - Khagaria.
8. Md. Akram Kha, S.I. of Pasraha Police Station, District - Khagaria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Respondent/s : Mr. Kumar Pankaj, A.C. to S.C.-5

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

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

2 09-11-2023

In the instant writ petition, the petitioner has

prayed for the following reliefs:

*“...for directing the respondents
authorities to release the Maruti Swift Dzire
Car, bearing its registration No.*



JH10BP0802, Engine No. D13A-3318613, Chesis No. MA3CZF03SJG377631 belongs to this petition which was seized in connection with Pasraha P.S. Case No. 99 of 2023 dated 27.04.2023 and a seizure list was prepared by Md. Akram Khan, S.I. of Pasraha, Police Station, District-Khagaria (Respondent No.8).

2. For issuance of direction/mandamus under Article 226 of the Constitution, party has to approach the concerned authority, while demanding the relief and grievance and further concerned public authority must have statutory duty to consider the grievance of the party.

3. The first ingredient relating to demand before the competent authority is not forthcoming. Therefore, *prima facie* the present writ petition is not maintainable. Accordingly, the present writ petition stands dismissed.

4. Dismissal of the present matter would not be a hurdle to the petitioner to invoke the remedy under Rule 12-A of the Bihar Prohibition and Excise Rules, 2021. If such application is filed in prescribed form before the competent authority, the competent authority is directed to decide the



petitioner's grievance, within a period of two weeks' from the date of receipt of the such application.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

S.Katyayan/-

U			
---	--	--	--

