

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16224 of 2024

Rupesh Kumar Singh S/o Sri Hardwar Prasad Sinha, Resident of Mohalla-Balbhadrapur, P.O. - Lehariya Sarai, P.S.- Lehariya Sarai, District - Darbhanga- 846001.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Excise Commissioner, Prohibition and Excise Department, Bihar, Patna.
3. The Collector cum District Magistrate, Madhubani.
4. The Sub-Divisional Magistrate, Jhanyharpur, Madhubani.
5. The Superintendent Prohibition and Excise, Madhubani.
6. The District Transport Officer, Madhubani.
7. The Motor Vehicle Inspector, Madhubani.
8. Mr. Sandeep Dallal Balani, S.P.S Container Service, Balajee Complex, 702, Sector-8 E, Kalamboli, Panvel, New Mumbai, Maharastra- 410218.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (28)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 29-10-2024 In the instant writ petition, petitioner has prayed for
the following relief:

“That the present writ application is being filed for issuance of appropriate writ / order / direction either for confirming the sale of Truck bearing Registration No. MH46BM0109, which was seized and auctioned by the Respondent Prohibition & Excise Department, after following the due process, in favour of the Petitioner and allotment of fresh Registration number bearing BR32GB5939 to the said truck was granted by the District Transport Officer, Madhubani which has been cancelled on the report of Motor Vehicle Inspector, Madhubani



vide its order dated 29.08.2023 and has also directed for restoring the earlier registration MH46BM0109 of the said truck vide Order contained in Letter No. 1387 dated 01.09.2023 after setting aside the same or for refund of money Rs.6,60,000/- (Auction Value of the said truck Rs. 6,25,000/- plus the amount of money paid for registration in state of Bihar Rs. 35,000/- approx) along with penal interest and compensation for the loss in business to the tune of Rs. 5,00,000/- on account of cancellation of the allotment of registration in absence of any latch on the part of Petitioner in the facts and circumstances mentioned herein below.”

2. The aforementioned relief is not maintainable in view of the fact that the petitioner has a statutory remedy under the relevant statutory provision before the concerned authority/Tribunal. If such application or petition is filed before the concerned authority or Tribunal, the authority/Tribunal is requested to decide petitioner’s grievance at the earliest and within a reasonable period of time.

3. With the above observation, the present writ petition stands disposed of as not maintainable.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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