

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20558 of 2016

Amardip Kumar S/o Sri Ram Nandan Singh @ Makor Singh, resident of Sri Krishna Nagar, Harrakh, P.O.- Begusarai, P.S.- Begusarai Town, Distt-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Bihar.
2. The Principal Secretary, Deptt. of Excise and Prohibition, Govt. of Bihar, Patna.
3. The Collector, Begusarai.
4. The Superintendent, Deptt. of Excise, Govt. of Bihar, Begusarai, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Prasad Singh, Advocate

For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

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

15 19-02-2025

None appears for the State-respondents.

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

“(A) To pay a sum of Rs. 4,25,250.00 (Four Lakh Twenty Five Thousand Two Hundred Fifty Only) and Rs. 30,000 fee for taking permit for total quantity of 12,000/- (Twelve Thousand Only) BL ORDINARY DENATURED SPIRIT purchased by the petitioner as wholesale licensee for the purpose of retail sale under the relevant provisions of the Bihar Excise Act, 1915 including Rs.30,000/- (Rs. Thirty Thousand only) on transportation

(B) And further to pay Rs. 10,000/- (Rs. Ten Thousand Only) per month as storage charge since 05.06.2015 till date.



(C) And to pay interest @ 12% per annum on the amount contained in para no. 1 (A) and (B) till the date of actual payment. Further all losses in business to the petitioner has been caused due to amendment of the year 2016 in the said Bihar Excise Act, 1915 under the relevant provisions of Bihar Excise (Amendment Act). 2016 and the same may be duly compensated in terms of money.”

3. Perusal of the records, there is no *iota* of material evidence to the extent that petitioner had demanded before the concerned authority or organization or department. In the absence of such demand before the competent authority, question of issuance of writ of mandamus under Article 226 is not permissible in the light of Hon'ble Supreme Court decision in the case of ***Mani Subrat Jain & Ors. Vrs. State of Haryana & Ors.*** reported in ***(1977) 1 SCC 486, Rajasthan State Industrial Development & Investment Corporation & Anr. Vrs. Diamond & Gem Development Corporation Ltd. & Anr.*** reported in ***AIR 2013 SC 1241*** and ***Union of India & Anr. vs Arulmozhi Iniarasu & Ors.*** reported in ***AIR 2011 SC 2731***.

4. Accordingly, the present writ petition stands disposed of reserving liberty to the petitioner to approach the concerned authority or department insofar as redressing his grievances. To that extent, he is hereby directed to furnish application or representation. Such application/representation is to be in accordance with the statutory provision, in that event the concerned authority shall examine the grievances of the



petitioner within a reasonable period of 3 months from the date of such statutory representation.

5. With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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