

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6576 of 2025

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Shiv Kumar Mandal Son of Maharoop Mandal, Resident of Village- Dumra,
Ward No. 13, P.S. - Andhramath, District- Madhubani.

... .. Petitioner.

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Madhubani.
4. The Land Acquisition Dy. Collector, Phulparas, District- Madhubani.
5. The Excise Superintendent, Madhubani.
6. The S.H.O. of Andhramath P.S., Phulpaas, District- Madhubani.

... .. Respondents.

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Appearance :

For the Petitioner : Mr. Shailendra Kumar Jha, Advocate.
For the State : Mr. Gyan Prakash Ojha, GA-7.

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

Date : 08-05-2025

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

“(i) To issue a Writ in the nature of Certiorari to set-a-side the Order dated 10.06.2023, passed in Excise Confiscation Case No.161/22-23, arising out of Andhramath P.S. Case No.134/22, passed by Dy. Collector Land Reforms (In short D.C.L.R.), Phulparas, whereby and whereunder the Shop/House of the petitioner situated at Mauza- Dumra, Thana No.71, Old Khata No.522, Old



Khesra No.5419, Area-0-75 Dhur has been confiscated.

(ii) To issue a Writ in the nature of Mandamus directing the respondents to unseal/unlock the aforesaid Shop/House of the petitioner which is the subject matter of Andhramath P.S. Case No.134/22, registered Under Section 30(a) of Bihar Prohibition and Excise Act 2016.

(iii) To direct the respondent to release the said Shop/House of petitioner in favour of petitioner in order to restore and reinstate the business of the Shop which is the sole source of livelihood of the petitioner and his family members.

(iv) To hold and declare that the impugned Order has been passed by an unauthorized authority the D.C.L.R., which is an illegal and vitiated order due to principle of impropriety and principle of Natural Justice.

(v) To grant any other reliefs to the petitioner for which he is entitled to have for the interest of Justice.”

2. The petitioner has a statutory remedy of appeal before the Appellate Authority under Section 92 of the Bihar Excise and Prohibition Act, 2016. Simultaneously, he has a remedy of filing an application under Rule 12B of the Bihar



Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022. Without exhausting such remedies, he has rushed to this Court. In the event of filing an appeal by the petitioner before the Appellate Authority, the Appellate Authority is hereby directed to consider and dispose of the memorandum of appeal within a period of three months from the date of receipt of such appeal. In the event of filing an application by the petitioner in the prescribed format under Rule 12B of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12B in the year 2022, the same shall be considered and disposed of by the concerned authority within a period of one month from the date of receipt of such application.

3. With the above observations, the instant writ petition stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2025.
Transmission Date	NA

