

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4795 of 2016

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Vimal Kumar Agrawal Son of Sri Laxmi Prasad Agrawal, R/o Mohalla -
Gosain Bagh, Tekari Road, P.O. - Gaya, P.S. - Kotwali, District - Gaya Bihar.
... .. Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha, Sr. Advocate
	:	Ms. Richa Rajiv Singh, Advocate
	:	Mr. Abhishek
For the Respondent/s	:	Mr. SC-5
	:	Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 09-07-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. For seeking the reliefs as claimed for in the present writ application, the petitioner had earlier also filed a writ application bearing CWJC No. 1146 of 2008 which was heard and disposed of on 25.01.2012 (Annexure-4), the operative portion of the said order reads as follows:-

“Having regard to the facts and circumstances of the case, if the petitioner files an application before the District Magistrate, Gaya annexing copy of previous representations, he will consider his case along with the cases of existing stamp vendees and others for grant of Stamp vending licence. The petitioner also submits that Madhur Prasad Gupta and Pramod Kumar Singh have surrendered their



licence of stamp vending.”

3. In compliance of this order, the learned counsel for the petitioner had filed an application before the District Magistrate, Gaya which was registered as Case No. 07 of 2012. The said case was decided against the petitioner *vide* order dated 09.05.2012 (Annexure-5). As against this order dated 09.05.2012 (Annexure-5) rejecting the application/case of the petitioner, learned counsel for the petitioner submits that the petitioner had filed an Appeal before the Commissioner Magadh Division, Gaya which was registered as Stamp Appeal Case No. 131 of 2012. By order dated 20.06.2013 (Annexure-6), the Appellate Authority had remanded the matter back before the District Collector, Gaya for fresh consideration. The District Collector, Gaya thereafter *vide* order dated 20.08.2015 (Annexure-7) rejected the claim of the petitioner once again. It is this order dated 20.08.2015 which has been challenged in the present writ application.

4. The impugned order dated 20.08.2015 passed by the District Collector, Gaya rejecting the claim of the petitioner once again, gives a fresh cause of action to the petitioner to challenge the same by filing an Appeal before the Commissioner, Magadh Division, Gaya. Learned counsel for the petitioner, therefore, prays that this writ application may be



disposed of granting liberty to the petitioner to challenge the impugned order dated 20.08.2015 passed by District Collector, Gaya by filing an Appeal before the Commissioner, Magadh Division, Gaya.

5. To the aforesaid prayer made by the learned counsel for the petitioner, learned counsel appearing for the Respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by the learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to challenge the order dated 20.08.2015 passed by the District Collector, Gaya (Annexure-7) by filing an Appeal before the Commissioner, Magadh Division, Gaya. If such an Appeal is filed by the petitioner before the Commissioner, Magadh Division, Gaya, the same shall be decided in accordance with law.

7. With the aforesaid liberty granted, the present writ application stands disposed of. All Interlocutory Applications if any, shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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