

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1988 of 2012

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Pawan Kumar Ram S/O Shri Jagannath Ram R/O Village- Sant Nagar,
Police Station- Lalmania (Out Post), District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Darbhanga
3. The District Transport Officer, Darbhanga
4. The Motor Vehicle Inspector, Darbhanga

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Md. Irshad, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

4 21-01-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks quashing of the order dated
24.11.2011 passed in Demand Case No. 161/2011-12 by the
District Transport Officer, Darbhanga by which the petitioner has
been asked to pay road taxes amounting to Rs.80,352/-.

At the outset learned counsel for the State raises a
preliminary objection that the writ application is not maintainable
as there is a provision for appeal and revision under the provisions
of Bihar Motor Vehicles Taxation Act against any such order.
Learned counsel for the petitioner is unable to satisfy this Court as
to why the petitioner will not first exhaust his statutory remedy.

In the aforesaid view of the matter, the writ application is dismissed on the ground of availability of alternative statutory remedy. It is however, directed that in case the petitioner files an appeal within a period of four weeks from today before the statutory appellate authority along with an application for condonation of delay in filing the same, then the appellate authority shall consider the same keeping in view the fact that the petitioner has been pursuing his remedy before this Court.

(Ramesh Kumar Datta, J)

Chandran/Md.Ibrarul

(Vikash Jain, J)

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