

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22393 of 2014

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Dharmendar Kumar Yadav, son of Sri Ram Prasad Nirala, resident of Kurji Sadaquat Ashram, Patna-10, P.S. Digha, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principle Secretary-cum-Transport Commissioner, Govt. of Bihar (Patna).
3. Commissioner of Patna Commissionary, Patna.
4. D.I.G. Police Central Area (Patna).
5. The Regional Transport Authority, Patna, Dist. Patna.
6. Joint Transport Commissioner-cum-Secretary Regional Transport Authority, Patna Division, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-01-2015 Heard learned counsel for the petitioner. No one appears for the respondents.

The prayer of the petitioner in this writ application reads as follows:-

- "1(i) For that to quash the order dated 18/10/14 passed by Respondent No.6 contained in Annexure-5.
- (ii) For that to quash the order dated 25.09.2014 passed by Respondent concerned contained in annexure-4 by which he has ordered that in meeting of 12.9.2014 held by members of Transport Tribunal that the permit of petitioner's has been renewed with a condition that if the petitioner not replace new Bus within 6 months and licence of conductor not produce then the necessary action will taken against the petitioner.

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- (iii) *For that to quash decision dated 20.8.2013 held in a meeting by member of state transport tribunal by which it has been held that in urban area of Patna 15 years old Buses, Tempoos, Auto Rickshaw would be not given permit by the Authority concerned. It has also been decided that the owner of the above said Buses, Tempoos etc. which has completed fifteen years or has to be going to be completed 15 years then they will have to give three months time to run the fifteen years old but on same permit but they have to in the mean time replace a new bus in lieu of fifteen years old bus contained in Annexure-2.*
- (iv) *For that to quashed the decision dated 24.1.2014 decided by member of the aforesaid tribunal that in its meeting dated 20.8.13 it has been held that permit of fifteen years old Bus, tempos etc. will be given according to new rule and give direction to the concern authority to stop for the renewal of old permit contained Annexure-3."*

Learned counsel for the petitioner has submitted that the issue in hand is squarely covered by the judgment of this Court in the case of Rajesh Kumar Vs. The State of Bihar through Secretary Department of Transport Govt. of Bihar & Ors. reported in 2009(4)PLJR 715. He has further submitted that the ratio laid down in the case of Rajesh Kumar (supra) has been even recently reiterated in the order of this Court dated 11.7.2014 in CWJC No. 258 of 2013 wherein the State Transport Department has been directed to consider the aforesaid decision of this Court in the case

of Rajesh Kumar (supra).

That being so, when there is no opposition to such prayer of the petitioner, this Court would also give similar liberty to the petitioner to invite attention of the competent authority of Transport Department to the applicability of earlier judgment of this Court in the case of Rajesh Kumar (supra) for an appropriate action in the matter in the case of the petitioner.

With the aforementioned observation and liberty, this application is disposed of.

(Mihir Kumar Jha, J)

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