

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18704 of 2014

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Mithilesh Singh, Son of Late Kailash Singh, resident of village & P.O. - Rashalpur,
Police Station - Dumra, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Secretary-cum-Commissioner-cum-Director,
Transport Department, Bihar, Patna.
2. The Joint Commissioner-cum-Secretary, Regional Transport Authority,
Muzaffarpur.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Transport Officer, Sitamarhi.
5. Sri Kamlesh Kumar Jha, son of not known, resident of Village, P.O. & P.S. -
Parsauni, District- Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Jiwan Prakash Sinha, Advocate

For the Respondents: Mr. Rajesh Singh, GP 16

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-02-2016

The present writ petition has been filed for a direction to the respondents to stay the order contained in Memo No. 786 Pari dated 24.06.2014 whereby and whereunder the running of the vehicle no. BR-06PA-6081 of the petitioner on the alleged route from Balasat to Pupri has been stopped/suspended under Section 86(d) of the Motor Vehicles Act, 1988 (for short, the "Act").

2. Learned counsel for the petitioner submits that even though a statutory forum for appeal/revision under the Act is available, the same was not preferred as the State Transport Appellate Tribunal, Bihar had not been functioning at the relevant time and as such, the present writ petition had to be preferred. It is, however,

stated that the said Appellate Tribunal is now regularly functioning.

3. In view of the above, therefore, the present writ petition is disposed, granting liberty to the petitioner to seek recourse to the statutory remedy available to him under the Act for redressal of his grievances. In such event it is expected that the concerned authority would dispose of the matter expeditiously having regard to the nature of the grievance of the petitioner which would be decided on its own merit as this Court is not expressing any opinion on the merits of the matter.

4. It is made clear that in case such an appeal/revision is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

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