

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4841 of 2014

Anil Kumar Sinha, S/o Ramesh Prasad, Resident of Mohalla:
Ramchandrapur, P.S.: Biharsharif, District: Nalanda, Bihar

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Road Transport,
Govt. of Bihar Patna

2. South Bihar Regional Transport Authority through the Secretary,
Commissioner's Compound, Patna

3. The Secretary to the Commissioner-cum-Joint Secretary-cum-Secretary,
South Bihar Regional Transport Authority, Patna

4. Bihar State Road Transport Corporation, Parivahan Bhavan, Birchand
Patel Path, Patna- 800001

.... Respondents

Appearance :

For the Petitioner : Mr. Amaresh Kumar Sinha, Advocate

For the Respondents : Mr. Satyendra Kr. Jha, AC to GP 3

For B.S.R.T.C : Mr. P.K. Verma, Sr. Advocate

Mr. Nand Kumar Singh,

Mr. Arvind Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-06-2016

The present writ petition has been filed for setting aside the order contained in the letter bearing no. 1109/RTA dated 31.12.2013 whereby the operation and plying of the bus bearing registration no. BR21G/3245 under route permit no. 473/2013 between Islampur and Biharsharif has been directed to be stopped forthwith; and consequently to allow plying of the bus.

2. The petitioner has been operating the bus bearing



registration no. BR21G/3245 under route permit no. 473/2013 between Islampur and Biharsharif and has been making two trips daily. The approved time for the second departure from Islampur was 11.37 am. It appears that an objection was raised by one Ajit Kumar Sharma, another bus operator, in Transport Revision No. 12/2013 before the State Transport Appellate Tribunal, Bihar, Patna, which was allowed and wherein he was allotted the departure time of 11.38 am from Islampur, setting aside the departure time of 11.37 am of the petitioner with a direction to the South Bihar Regional Transport Authority, Patna to assign any other departure time as per resolution dated 29.09.2009.

3. Learned counsel for the petitioner, Mr. Amaresh Kumar Sinha, makes a short submission to the effect that the respondent-Authority failed to comply with the direction of the Tribunal by not assigning any other departure time, rather it arbitrarily prohibited the petitioner from plying his bus.

It is further stated that in any event, the need to assign any other departure time to the petitioner had arisen at the instance of the aforesaid Ajit Kumar Sharma and the same no longer exists as he has since surrendered his route permit on 21.06.2014 during the pendency of the writ petition. There is thus no impediment in giving effect to the order of the Tribunal by assigning a time of departure at Islampur to the petitioner.

4. Though counter affidavits have been filed on behalf of both the Regional Transport Authority as well as the Bihar State Road Transport Corporation, the fact that the route permit has been surrendered by Ajit Kumar Sharma is not in dispute.

5. Having regard to the nature of the grievance of the petitioner, this Court is of the view that the ends of justice will be met by directing the respondent-authority to consider the matter and pass a final order giving effect to the order of the Tribunal in Transport Revision No. 12/2013 in accordance with law and after grant of opportunity of hearing to the parties expeditiously, preferably within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. The writ petition stands disposed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.06.2016
Transmission Date	N/A