

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9228 of 2016

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Rajesh Kumar & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Badri Narain Singh
Mr. Sheo Pujan Singh
Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Lalit Kishore, PAAG
Mrs. Nivedita Nirvikar- G.A.7
Mr. Manoj Kumar, A.C. to G.A.7

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

10 24-08-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek quashing of the order dated 12.05.2016 passed by respondent No.2, Regional Transport Authority, Patna, by which it has been directed that 15 years old model diesel commercial vehicles shall not ply within the jurisdiction of the Municipal Area of Patna from 15.06.2016.

Petitioners are the owners of different transport vehicles, for which they hold valid permits and they are plying the said vehicles within the Patna Municipal Area. They are aggrieved by the impugned order dated 12.05.2016 and the proceedings dated 04.06.2016 of the Regional Transport Authority, Patna by which it has been directed that more than 15 years old diesel vehicles shall

not ply within the Municipal Area of Patna.

It is submitted by learned counsel for the petitioners that the respondent No.2, Regional Transport Authority, does not have any legal authority to issue any such notification.

In support of his aforesaid stand, learned counsel for the petitioner relies upon the provisions of Section 59 of the Motor Vehicles Act, 1988, under which the power to specify the life of the vehicle from the date of its manufacture has been conferred exclusively upon the Central Government.

Learned counsel for the petitioner also refers to a decision dated 25.11.2008 of a learned single Judge of this Court rendered in the case of Rajesh Kumar and others vs. The State of Bihar and others: CWJC No.7000 of 2008 wherein upon consideration of the legal provisions, it was held that power of fixing the life of motor vehicle is conferred only upon the Central Government under the provisions of the Motor Vehicles Act, 1988.

Learned counsel for the State has sought to rely upon certain observations made in the said decision which, according to her, dilutes the said decision. The said observations do not concern the facts of the said case nor can it be considered as the ratio laid

down therein, rather it is an observation with regard to certain conditions which if laid down may require a fresh consideration by this Court. The same certainly does not affect the main decision which holds that the Regional Transport Authority cannot fix any time limit with regard to the life of the vehicle.

In the aforesaid view of the matter, the writ application is allowed and the impugned order dated 12.05.2016 of the respondent No.2, Regional Transport Authority and its proceedings dated 04.06.2016 are both quashed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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