

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10103 of 2016

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1. Upendra Kumar Sharma S/o Sri Purshottam Sharma Proprietor M/s Jaya Publication, Patel Nagar, P.O. & P.S. Shastri Nagar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Government of Bihar, Pariwahan Bhawan, Patna.
2. The State Transport Commissioner, Transport Department, Govt. of Bihar, Pariwahan Bhawan, Patna.
3. The Joint Director-cum-Secretary, Regional Transport Authority, Transport Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : Mr. Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-05-2017

Heard the parties.

In the present case, the Regional Transport Authority, Transport Department, Government of Bihar, Patna vide order dated 6.1.2015 has passed the order of suspension with regard to granting fitness certificate which was challenged before the State Transport Commissioner, Transport Department, Government of Bihar, Patna where the Commissioner has directed the Regional Transport Authority to dispose of the case filed by the petitioner as he is competent authority to examine the matter and take a decision.



During the argument the petitioner has drawn the attention that his licence was renewed by State Motor Transport Commissioner from 14.8.2016 to 13.8.2018 and submitted that at one place licence has been renewed, on the other hand, the order of suspension has been passed.

This Court has directed the State to file its counter affidavit.

In the counter affidavit the State has taken a plea that enquiry was conducted about the present status and functioning of M/s Narayani Motor Fitness Center, Chhoti Pahari, Patna by a joint members Committee of M.V.I's and the report dated 25.11.2014 pointed out several defects and short comings and accordingly a show cause vide memo no.1211 dated 9.12.2014 was issued to the petitioner.

In compliance of the same, petitioner filed an explanation on 29.12.2014, as it appears petitioner has not fulfilled the requirement of Rules 62-72 of the Central Motor Vehicles Rules, 1989. The Regional Transport Authority vide letter no.22 dated 6.1.2015, renewed thereby the authority no.1 for the period 7.1.2014 to 6.1.2019 was not extended and authority no.1 of 2004 was suspended till requirements



mentioned under provision of that rule is satisfied and directed to stop the grant of certificate of fitness of testing vehicles. In paragraph 11 of the counter affidavit it has been stated that authorities are still ready to extend the period of renewal from 7.1.2014 to 6.1.2019, if the petitioner removes the above defects under Rule, 1989 and subject to approval of the department.

Learned counsel for the petitioner submits that petitioner is ready to remove the defects subject to the condition that he should be informed that what are the defects would try to satisfy the authority.

In such view of the petitioner, petitioner is directed to approach before the Regional Transport Authority, Transport Department, Government of Bihar, Patna and he will be obliged to inform the petitioner about deficiency or defect as has been pointed out in the counter affidavit and petitioner will be obliged to remove. If the defects are removed the Transport Authority will withdraw the order of suspension. If the petitioner files an application before Regional Transport Authority, Transport Department, Government of Bihar, Patna he will be obliged to complete the whole process within a period of four months from the date of filing of the application.



With the aforesaid observation and direction this writ
petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.5.2017
Transmission Date	NA

