

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.656 of 2018

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Sanjay Kumar, Son of Late Ram Baran Singh, resident of Village Faizalapur,
Sakaldeo Nagar ,P.S. Barbigaha, District- Shikhpura.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Govt. of Bihar, Patna.
2. State Transport Commissioner, Transport Department, Govt. of Bihar, Patna.
Bishweshariya Bhawan Bailey Road, Patna.
3. Divisional Commissioner cum Chairman, Regional Transport Authority
Munger.
4. District Transport Officer, Nalanda.
5. District Transport Officer, Sheikhpura
6. District Public Complaint Grievance Disposal Officer Sheikhpura.
7. Motor Vehicle Inspector Sheikhpura.
8. Binod Kumar Singh, Son of Late Geeta Singh, r/o Village Professor Colony
Indealpar Ward no. 16, Sheikhpura, District- Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shiopujan Singh,
Mr. Mukesh Kumar Singh, Advocates
For the Respondents : Mr. Arun Kr. Sinha, AC to GP24
For Respondent No. 8 : Dr. Anjani Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-03-2018

The present writ petition has been taken up out of turn on the request of learned counsel for the petitioner and is being disposed of at the stage of admission itself with consent of the parties. The petitioner seeks quashing the order dated 24.11.2017 passed by the District Transport Officer Nalanda (Respondent No. 4) by which the registration of the Bus No. BR-21P-0474 has been cancelled under Section 5(i) of the Motor Vehicles Act on the basis of letter of District



Transport Officer, Sheikhpura and M.V.I., Sheikhpura.

2. Learned counsel for the petitioner raises a short plea to challenge the impugned order of cancellation passed under Section 5(i) of the Motor Vehicles Act (for short, "M.V. Act") [Section 5(i) of the M.V. Act appears to have been misquoted in reference to Section 55(5) of the Act] as the same has been passed without grant of adequate opportunity of hearing and hence, the same is in violation of principles of natural justice.

3. Learned counsel for the State as well as learned counsel for the respondent no. 8 appearing suo motu has been heard.

4. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court does not find merit in the submissions of learned counsel for the petitioner. A bare perusal of Section 55 (5) of the M.V. Act shows that the registering authority is merely required to afford an opportunity to the owner of the vehicle to make a representation by sending a notice by registered post, which, in the present case, has admittedly been done and the petitioner has responded to the same by filing his reply dated 13.07.2017 (Annexure-6). This Court is of the view that Section 55(5) of the M.V. Act has been adequately complied with even if no personal hearing was granted. The order of cancellation of registration of the aforesaid bus does not suffer from any infirmity on the ground of violation of principles of natural justice.



5. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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