

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5567 of 2018

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1. Subhash Chandra Tiwari, S/o Raj Kishore Tiwari, Vill.- Dighikala Paschami Hajipur, P.S.- Hajipur, Dist.- Vaishali.
2. Jitendra Kumar, S/o Sri Raj Kumar Singh, Vill.- Adalpur Hajipur, P.S.- Hajipur Dist.- Vaishali.
3. Nirmala Devi, D/o Raj Kishore Tiwari, Vill. - Dighikala Hajipur, P.S. - Hajipur Dist. - Vaishali.
4. Prakash Chandra Tiwari, S/o Raj Kishore Tiwari, Vill. - Dighikala Hajipur, P.S. Hajipur Dist. - Vaishali.
5. Neyaz Ali, S/o Md. Israil, Vill.- Bhagwati Nagar, Haribatika Chock, P.S.- Muffcil, Dist.- West Champaran (Betia).
6. Nivash Chandra Tiwari, S/o Raj Kishore Tiwari, Vill.- Dighikala Hajipur, P.S.- Hajipur, Dist.- Vaishali.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Transport Government of Bihar, Patna.
2. The Deputy Secretary, Department of Transport Government of Bihar, Patna.
3. State Transport Authority Bihar, Patna through Secretary.
4. Mujaffarpur Regional Transport Authority Mujaffarpur through its Secretary.
5. Chairman cum Divisional Commissioner, Mujaffarpur Regional Transport Authority Mujaffarpur.

.... Respondents

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Appearance :

For the Petitioners : Mr. Pramod Kumar, Advocate
For the Respondents : Mr. Ajay Kr.Rastogi-AAG10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-04-2018

The present writ petition has been taken up for disposal
with consent of the parties under the heading "For Orders on Petitions"
itself.

I.A. No. 2455 of 2018



2. The interlocutory application has been filed with the prayer for amendment of the relevant portion of the prayer in the writ petition by adding the following prayer –

“(i) All the existing permits before notification of State dt. 05.02.2018 shall be operative.

(ii) No new permits be granted by RTA, Muzaffarpur challenged by this writ application till the disposal of writ application.”

3. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition.

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4. The present writ petition has been filed for a direction to the respondents “not to consider and take up to consider any such application, if filed, for the stage carriage bus permit for the route or routes out of which numbers have been given in the representation/ objection before the Deputy Secretary Transport with a copy to Chairman North Bihar Regional Transport Authority, Muzaffarpur, in response to the total 3285 routes formulated by the State Government under Section 68(3)(c-a) of the Motor Vehicle Act.”

5. Learned counsel for the petitioner submits that suggestions /objections were invited in connection with formulation of 133 inter-regional routes as specified in Schedules I and II of notice dated 15.06.2017. Subsequently by the impugned notification dated



05.02.2018 (Annexure-2 to the supplementary affidavit), as many as 3284 inter-regional routes have been formulated by the State Government under Section 68(3) (ca) of the Motor Vehicles Act. It is submitted that some of the operators including the petitioners raised objections in terms of their letter dated 26.02.2018 addressed to the Deputy Secretary, Transport Department, Government of Bihar, Patna (Annexure-3 to the supplementary affidavit) against formulation of the said 3284 routes but nothing has been heard from the respondents in this regard.

6. Learned counsel for the respondents, on the other hand, submits that there is neither any provision in Section 68(3) for consideration of the objections in respect of the formulation of the inter-regional routes which is essentially a policy matter, nor have the petitioners made any specific averment in the writ petition with regard to the manner in which prejudice has been caused to them.

7. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to interfere in the matter. The petitioners may pursue their representations said to have been filed before the Deputy Secretary, Transport Department, Government of Bihar, Patna, if so advised, for redressal of their grievances.

8. The writ petition stands dismissed with the aforesaid observation.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.04.2018
Transmission Date	N.A.

