

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19314 of 2015

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Umesh Kumar Singh Son of Anirudh Prasad Singh, Resident of M.G. Road Bye Pass Road, Aurangabad, Police Station - Aurangabad, District - Aurangabad, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Magadh Division cum Chairman, Magadh Regional Transport Authority, Gaya, Commissioner Compound, Gaya, Bihar.
2. The Joint Commissioner Cum Secretary, Magadh Regional Transport Authority, Gaya, Commissioner Compound, Gaya, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey

For the Respondents : Mr. AAG2-D.K. SINHA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-09-2018

The present writ petition has been filed for setting aside the resolution/decision of Magadh Regional Transport Authority, Gaya (for short, "M.R.T.A., Gaya") in its meeting dated 20.06.2014, proceeding signed by its Chairman and its members on 24.06.2014.

2. Learned counsel for the petitioner submits that the impugned decision of the Magadh Regional Transport Authority in curtailing two trips while renewing petitioner's permit No. 39/04 which had been issued for eight trips on the road of Aurangabad Bus Stand to Anugrah Narayan Road is wholly arbitrary and contrary to law inasmuch as no notice for such curtailment was given to the petitioner.



Reliance is placed on the judgment dated 14.07.2016 passed by this Court in C.W.J.C. No. 8227 of 2016 (*M/s Anand Travels Vs. The State of Bihar and Anr.*) and other analogous cases.

3. Learned counsel for the respondents appears and has been heard. He fairly submits that the facts of the present case are similar as those obtaining in the judgment relied by the petitioner. The said writ petition was allowed with the following observations.

"In my opinion, a unilateral decision has been taken by the Regional Transport Authority in its resolution dated 10.12.2014 and even if there existed reasons for coming to such conclusion but it could not have been taken by overreaching the statutory obligations which is completely missing in the present case. Since the foundation for the impugned resolution dated 23.12.2015 itself has been found wanting on statutory prescriptions, the consequences resulting are naturally illegal.

For the reasons discussed and considering that the resolutions dated 23.12.2015 together with the resolution dated 10.12.2014 insofar as it curtails the trips allowed to stage carriage permits, has been taken in violation of the statutory provisions underlying Sections 72(2) (xxii) (a) and Rule 80 of the Rules, the resolutions have to be struck down and are accordingly quashed and set aside.

The writ petitions are allowed. The consequences shall follow."

4. Having regard to the submissions of the parties, the writ petition stands disposed of in line with and on the same terms



of the judgment dated 14.07.2016 passed in C.W.J.C. No. 8227 of 2016
and other analogous cases.

(Vikash Jain, J)

B.T/lbrar

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