

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10315 of 2015**

=====

Krishna Murari Sinha, son of Prem Bihari Sinha, Resident of village and P.O. -  
Dumrichak, P.S.- Masuri, Dist- Patna

.... .... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Govt. of Bihar, Visweshwaraya Bhawan, Bailey Road, Patna- 1
2. The Transport Commissioner, Govt. of Bihar, Patna
3. The Chairman-cum-Commissioner (SBRTA), South Bihar Regional Transport Authority, Patna
4. Mr. Ishwar Chandra Sinha, Secretary, South Bihar Regional Transport Authority, Patna
5. Shailender Kumar, son of Ramdeni Sharma, village and Post- Bena, P.S.- Ghoshi, Distt- Jehanabad

.... .... Respondents

=====

**Appearance :**

For the Petitioner : Mrs. Renu Jha, Advocate

For the Respondents : Mr. Rajesh Kumar, AC to GP 3

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 11-09-2018**

The present writ petition has been filed for quashing the letter dated 12.06.2015 (Annexure-4) issued beyond jurisdiction by the Secretary of South Bihar Regional Transport Authority, Patna directing this petitioner to surrender his permanent permit no. 57/2015 issued on 04.03.2015 in compliance to the order of the Regional Transport Authority/Board in their meeting dated 26.12.2014 for the route Ekangersarai-Okri-Kadriganj-Jehanabad.

2. None appeared on behalf of the petitioner when the matter was called even on earlier occasion i.e. on 07.09.2018 and



10.09.2018. Today, Mrs. Renu Jha, learned counsel appears and states that the client has taken the file and has not given any further instruction in the matter. No fresh vakalatnama has also been filed on behalf of the petitioner. This Court is not inclined to adjourn the matter any longer.

3. A perusal of the averments in the writ petition discloses that the main ground raised by the petitioner is that the Secretary of the South Bihar Regional Transport Authority had no jurisdiction to pass the impugned order on 12.06.2015 without placing the matter before the State Authority.

4. Learned counsel for the respondents, on the other hand, refers to paragraph 8 of the counter affidavit to submit that the Secretary is bound to carry out all the decisions of the Regional Transport Authority in terms of Rule 67(13) of the Bihar Motor Vehicles Rules, 1992. It is stated that the petitioner was running the vehicle in conflict with timings of another permit holder which was contrary to the decision of the Authority requiring a minimum gap of five minutes in the time table.

5. Having heard learned counsel for the respondents and on consideration of the materials available on record, this Court finds the writ petition to be devoid of merit. The stand of the respondents in the counter affidavit has not been disputed and no rejoinder thereto



has been filed on behalf of the petitioner. It has clearly been stated that the petitioner was running his vehicle on timings clashing with timings of the earlier permit holder, contrary to the decision of the Authority.

6. The writ petition stands dismissed.

**(Vikash Jain, J)**

B.T/Chandran

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 14.09.2018 |
| Transmission Date | N.A.       |

