

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17699 of 2013

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Raj Kamal S/O Sri Jaleshwar Nath Rai R/O Mohalla- Rajendra Nagar, P.S-
Gopalganj, Distt- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj.
3. The District Transport Officer, Gopalganj.
4. The Motor- Vehicle Inspector, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the State : Mr. Anujit Sinha, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the parties.

2. The present writ petition has been filed directing the respondent authorities to convert the Bolero DI- vehicle of the petitioner bearing Registration No.- BR-28 A-5254 from commercial vehicle to private vehicle, by quashing the order dated 11.01.2013 passed by the Respondent No.2 and for consequential reliefs.

3. Learned counsel for the petitioner invites reference to the State Government notification in letter no. 8960 dated 27.12.1995 (Annexure-5), paragraph- 5 of which contained a bar for conversion of commercial vehicles into private vehicles for a period of three years of registration. Learned counsel for the petitioner also invites reference to the recommendation dated 26.09.2011 of the



Motor Vehicle Inspector for such conversion but the same has been rejected by the District Magistrate in his impugned order dated 11.01.2013. It is stated that the vehicle in question had initially been purchased and registered as a private vehicle on 27.03.2006 and was subsequently converted as a commercial vehicle on the application of the petitioner dated 06.11.2006. The vehicle had been running as a commercial vehicle thereafter at least up to the time of recommendation by the Motor Vehicle Inspector on 26.09.2011. It is thus submitted that a period of three years had expired before the request for conversion as private vehicle was made.

4. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed till date nor the facts stated in the writ petition have been disputed.

5. Having heard the parties and considered the materials available on record, this Court finds substance in the submission of the petitioner. The petitioner's vehicle had admittedly been registered for use as a commercial vehicle more than three years prior to the date of application made by the petitioner for its conversion as private vehicle. No material has been brought on record to show that the vehicle was not registered at least three years prior to the application made for conversion as a private vehicle. The terms of the State Government notification dated 27.12.1995 thus stood



fulfilled. The impugned order dated 11.01.2013 passed by the District Magistrate, Gopalganj is a completely non-speaking order without assigning any reasons whatsoever for taking the view that the conversion requested by the petitioner was not permissible in law.

6. In the above view of the matter, the impugned order dated 11.01.2013 passed by the District Magistrate, Gopalganj is quashed. The District Transport Officer (Respondent No.3) is directed to allow conversion of the petitioner’s vehicle as a private vehicle as applied for, subject to fulfillment of any other condition in accordance with law expeditiously and in any event preferably within a period of six weeks from the date of receipt/production of a copy of this judgment.

7. The writ petition is allowed.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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