

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1219 of 2019

=====

Pratik Kumar Singh, aged about 31 years, male, S/o Sri Praveen Kumar Singh R/o of Marwari School Road, Darbhanga, P.S. Town (Darbhanga), District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Transport, Bihar, Patna
2. Divisional Commissioner, Darbhanga Division Cum Chairman, Regional Transport Authority, Darbhanga, Divisional Commissioner's Compound, Darbhanga
3. Joint Commissioner Cum Secretary, Regional Transport Authority, Darbhanga, Divisional Commissioner's Compound Darbhanga.
4. Bisheswar Rajak Buchchi Rajak Resident of Baisi Panchayat, Ward No. 3, P.S. Karjain, District- Supaul.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate

For the Respondent/s : Mr. Shailendra Kumar A.C. to PAAG-2

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2. 18-01-2019

Learned counsel for the petitioner submits that

all the defects have been removed and the petition was refiled after seeking permission of the Registrar (List & Computer).

This writ application has been preferred raising a grievance over issuance of the order as contained in letter no. 01-3/2016-07 dated 15.09.2018 under the signature of Joint Commissioner cum Secretary, Regional Transport



Authority, Darbhanga by which the vehicle owner's named in the letter (Annexure-4) have been informed about grant of provisional permit for a period of two months.

Learned counsel for the petitioner has drawn attention of this court towards order dated 29.05.2017 passed in CWJC No. 8047/2017 in the case of Kailash Mishra Vs. The State of Bihar wherein this court has passed an interim order directing the respondent authorities to file counter affidavit and in the meantime no decision is to be by the respondent authorities in the matter of grant of inter regional permanent permit till further orders of this court.

Learned counsel submits that in order to circumvent the order dated 29.05.2017 passed by this court, the respondent authorities have indulged in issuance of the temporary permit which they are extending from time to time.

Learned counsel further submits that the crux of the matter is that in course of hearing of CWJC No. 9161/2016 along with CWJC No. 18391/2015, the State authorities had assured this court that they would not hold



any meeting with regard to grant of permit for inter regional route unless the routes are formulated. It is submitted that even though the respondent State authorities have formulated the route but the route for which temporary permits have been issued vide letter dated 15.09.2018 are not enlisted in the formulated list, therefore, the submission is that if the routes are not formulated, no permit could have been issued for the said route.

Learned counsel further submits that the petitioner has filed an objection in this regard vide Annexure-3 to the writ application on 01.06.2018 but the same has not been considered by the Regional Transport Authority, Darbhanga.

Learned counsel for the State is present. It is submitted that at this stage he has no instruction as to the correct state of affairs.

After hearing learned counsel for the petitioner and learned counsel representing the State, this court is of the considered opinion that instead of keeping the writ application pending before this court it would be just and proper to direct the Joint Commissioner cum Secretary,



Regional Transport Authority, Darbhanga to look into the objection of the petitioner, as contained in Annexure-3 to the writ application, in the light of the orders passed by this court in CWJC No. 9161/2016, CWJC No. 18391/2015 and CWJC No. 8047/207. The Joint Commissioner cum Secretary, Regional Transport Authority, Darbhanga shall take an appropriate decision in tune with the directions of this court and the provisions of law in this regard and shall communicate his decision to the petitioner within a period of 45 days from the date of receipt/production of a copy of this order. In case, the decision is not communicated to the petitioner within the aforesaid period, the petitioner is free to approach this court in an appropriate jurisdiction.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

