

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3919 of 2019

Pratik Kumar Singh S/O Sri Praveen Kumar Singh, Resident 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, Purnea Division- cum- Chairman, Regional Transport Authority, Purnea, office situated at Divisional Commissioner's Compound, Purnea.
3. Joint Commissioner cum Secretary, Regional Transport Authority, Purnea, Divisional Commissioner's Compound, Purnea.

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate
For the Respondent/s : Mr. AC to AAG-10

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-07-2019 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking following reliefs :-

“(i) For issuance of an appropriate writ, rule or direction directing the respondents particularly Respondent no 2 and 3 to countersign the permanent Inter Regional Stage Carriage Permit no 16/2018 for the route Jogbani to Darbhanga Via Bathnaha, Balua Bazar, Birpur, Bhim Nagar, Karjain Bazar, Simrahi, Bhaptiyahi, Bhutaha, Fulparas, Jhanjharpur, Sakri for 1 trip Up and Down daily covered with Bus no BR-07PB-5493 valid w.e.f.30.05.2018 to 29.05.2023, permit granted and issued by Regional Transport Authority, Darbhanga for which the petitioner already submitted its application along with requisite fee for countersignature on 5.6.2018, but till date they have not countersigned the permit.
(ii) Grant such other relief or reliefs to which the petitioner found entitled in the facts and circumstances of this case.”



Learned counsel for the petitioner submits that pursuant to the application of grant of permanent route Jogbani to Darbhanga and others the Regional Transport Authority, Darbhanga granted and issued permanent Permit No. 16 of 2018 on the aforesaid route. Similarly the petitioner filed an application in prescribed form with requisite fee before the Regional Transport Authority, Saharsa and Regional Transport Authority, Purnia. Initially the authorities of Darbhanga issued the road permit provisionally for two months but the same was subsequently confirmed for five years and after confirmation of the permit the Joint Commissioner-cum-Secretary, Regional Transport Authority, Darbhanga endorsed the same on the permit and simultaneously issued a request letter to Joint Commissioner-cum-Secretary, Regional Transport Authority, Saharsa and Purnea vide letter No. 663 dated 28.08.2018 (Annexure '3').

The contention of learned counsel for the petitioner is that because the route Jogbani to Darbhanga lies between three regions i.e. R.T.A., Darbhanga, R.T.A., Saharsa and R.T.A., Purnea, therefore in terms of provision mentioned in Section 88(1) of the Motor Vehicle Act, 1988 it requires counter-signature by other regional authority. The grievance is that while



the R.T.A., Saharsa has already countersigned the permit and endorsed the same on the permit. The R.T.A., Purnea is still sitting over the matter for last seven months and despite request made to Respondent Nos. 2 and 3 no action is being taken to countersign the petitioner's permit.

Learned counsel for the petitioner submits that the petitioner has fulfilled all requirements for countersignature, therefore, it is legal duty to immediately countersign the form.

Learned counsel for the State submits that presently she has no instruction save and except to pray for some time to file a counter affidavit.

In the given facts and circumstances of the case, this Court is of the considered opinion that instead of keeping the matter pending for a counter affidavit it would be just and proper to direct the Respondent Nos. 2 and 3 to look into the grievance of the petitioner, consider the same and do the needful in accordance with law within a period of 15 days from the date of receipt/production of a copy of this order.

The writ application stands disposed off with the aforesaid directions.

(Rajeev Ranjan Prasad, J)

ved/vats

U			
---	--	--	--

