

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3792 of 2019

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1. Kameshwar Singh aged about 51 years (Male), son of Late Fulena Singh Resident of village- Bakhari Mahesh, P.S- Kalyanpur, District- East Champaran (Motihari)
 2. Saroj Devi aged about 47 years (Female), W/O Sanjay Kumar Singh Resident of krishna complex, Ward No. 9 Bara Chakia P.S- Chakia. District- East Champaran (Motihari)

... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Transport Department ,Bihar, Patna
2. The Bihar state Road Transport Corporation through its Administrator, Parivahan Bhawan, Beerchand Patel Path, Patna-1
3. The Administrator Bihar State Road Transport Corporation, Parivahan Bhawan, Beerchand Patel Path, Patna-1

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Mukesh Kumar, Advocate
For the BSRTC	:	Mr. Mukul Sinha, Advocate Mrs. Jahan Ara, Advocate
For the State	:	Mr. Ratna Kumari, A.C. to P.A.A.G.2

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-07-2019 Heard Mr. P.K. Shahi, learned senior counsel assisted by Mr. Mukesh Kumar, learned Advocate on Record on behalf of the petitioner and Mr. Mukul Sinha, learned counsel representing the Bihar State Road Transport Corporation as also learned counsel for the State.

Petitioner, in the present case, has moved this court seeking the following reliefs:-

“a. For quashing the Tender No. 4146 dated 24.12.2018 issued under the signature of the Administrator, Bihar State Road Transport



Corporation, Patna so far it relates to Serial No. 12 & 13 of the tender notice.

b. For direction upon the respondent administrator as well as the Secretary of the Transport Department to consider and decide the objection of the petitioners dated 04.01.2019.

c. For restraining the respondent authorities from acting on the basis of Tender No. 4146 dated 24.12.2018 so far it relates to Serial No. 12 & 13 of the tender notice during pendency of the writ application.

d. For any other relief/reliefs which petitioners may be found entitled to.”

In course of hearing attention of this court has been drawn towards Annexure ‘4’ to the writ application by which the Bihar State Road Transport Corporation (hereinafter referred to as the “Corporation”) has invited tender from the private bus operators who are willing to run their buses in partnership with the Corporation on the given routes.

Contention of learned senior counsel is that by issuing such tender the Corporation is monopolizing the routes, his objection is particularly with respect to route no. 12 & 13 the route mentioned at Serial no. 12 & 13 of Annexure ‘4’. Based on this submission that the Corporation is monopolizing the routes learned senior counsel submits that doing so without complying with the provision of Section 99(1) & (2) of the



Motor Vehicles Act, 1988 would be wholly illegal and the same would be liable to be interfered with.

Learned counsel for the Corporation however has opposed the writ application. It is his submission that Annexure '4' cannot and in no way be interpreted to mean and understand that the Corporation is monopolizing these routes in exclusion to the private players. It is submitted that these are the Inter-Regional and non-Nationalized routes on which the Corporation is trying to compete with the private bus operators by running/plying the buses which they may get on partnership basis from the bus owners.

Learned counsel submits that the submission that there is a violation of the provisions of sub-section (1) and sub-section (2) of Section 99 of the Motor Vehicles Act, 1988 is based on an incorrect understanding of the tender notice as contained in Annexure '4' to the writ application.

Having heard learned senior counsel for the petitioner, learned counsel representing the Corporation and after going through the tender notice no. 4146 dated 24.12.2018 (Annexure '4' to the writ application), this court finds that there is nothing in the said notice so as to mean and understand that the private players are being ousted completely or partially from those



routes mentioned in the notice. Sections 99 & 100 of the Motor Vehicles Act, 1988 have been quoted verbatimely in the writ petition. It clearly stipulates the procedures to be followed whenever the State Transport Undertaking wants to run it's buses on a route to the exclusion, complete or partial of any other buses. Since learned counsel for the Corporation has made it clear that there is no intention of the Corporation to oust the private players from these routes and what the Corporation is trying to is only to compete with the private players on those routes, the apprehension of the petitioners are found to be baseless.

This writ application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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