

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6798 of 2019

Barun Prakash Pandey @ Varun Kumar Pandey, S/o Sri Ajay Pandey, At Shyampur, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Govt. of Bihar, Patna.
2. The Regional Transport Authority, Muzaffarpur, At- Commissioners Compound, Muzaffarpur.
3. The Chairman Regional Transport Authority, Muzaffarpur at - Commissioners Compound, Muzaffarpur.
4. The Secretary, Regional Transport Authority, Muzaffarpur At- Commissioners Compound, Muzaffarpur.
5. Deputy Secretary, Transport Department, Govt. of Bihar, Patna at -Vishweswariya Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr.Adv. Mr. Shiopujan Singh, Adv. Mr.Mukesh Kumar Singh, Adv.
For the State	:	Mr.Rohitabh Das, AC to AAG-10
For the Authority	:	Mr. Randhir Kumar Singh, Adv. Mr. Ajay Kumar Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-05-2019 This writ application has been preferred for a direction in the nature of mandamus to the respondents not to issue any permanent inter-regional or regional permits which has been granted by the Regional Transport Authority in its meeting held on 08.03.2019 allegedly without following the procedures of the Motor Vehicle Act as contained in Sections 71 and 72 of the Motor Vehicle Act read with Rules 62(2) and 67(11) of the Rules framed thereunder.



Mr. P. K. Shahi, learned senior counsel representing the petitioner assisted by Mr. Shiopujan Singh, advocate on record, submits that earlier while disposing of the writ application being CWJC No.8047 of 2017 on 11.02.2019 vide Annexure-2 to the writ application this Court while holding that the writ application had become infructuous gave liberty to the petitioner to raise all such issues which may be available to the petitioner from the decision of the State Transport Authorities. It is the contention of the learned senior counsel that the petitioner who is having a route permit for the given route had raised an objection before the transport authorities whereunder he had requested the respondent authorities not to grant the regional permit on the given route to anybody else. Learned senior counsel submits that the objection preferred by the petitioner has not been considered while taking a decision in the meeting held on 08.03.2019 which was fixed vide memo no.157 dated 28.02.2019.

Learned counsel for the State has, however, opposed the writ application submitting that the petitioner has no *locus standi* to challenge the decision of the transport authorities by which they have granted route permits to the other aspirants/transporters. It is submitted that right to hearing would



have accrued to the petitioner only if the transport authorities would have cancelled or otherwise interfered with the route permit issued to the petitioner. According to him, the grievance of the petitioner stating that his objection has not been considered while taking decision on 08.03.2019 has no basis as no such objection could have been raised by the petitioner at the first instance and if the petitioner had raised any such objection it was not incumbent upon the respondent authorities to deal with such objection. It is submitted that by now 300 permits have already been issued.

Having heard learned counsel for the parties and on perusal of the records, this Court finds substance in the submissions of the learned counsel representing the State. The petitioner is holding a permit on the route Patna to Bettiah, via Hazipur Sarai, Lalganj, Jait Kuli – Fakuli, Ram Dayalu Nagar, Muzaffarpur, Barkagaon – Deoria Kesariya, Katra-Motihari-Champanan as stated in paragraph 12 of the writ application. It is not the case of the petitioner that his permit has been cancelled or otherwise interfered with by the respondent authorities. This Court finds it difficult to understand as to how the petitioner may feel aggrieved by the decision of the respondent authorities to issue route permits to the other bus



operators on the formulated routes in accordance with the law.

In the opinion of this Court such right to be heard would be available to the petitioner only when the decision of the respondent authorities would have interfered with his route permits. No statutory provision has been brought to the notice of this Court to demonstrate that in the given facts and circumstance, the petitioner who is a holder of the route permit would have an opportunity of hearing.

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

(Rajeev Ranjan Prasad, J)

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