IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11649 of 2019

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Suresh Narayan Pandey, S/o Vidya Sagar Pandey, R/o Village-Nandpur Gaighat, P.S.-Brahmpur, District-Buxar.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Government of Bihar, Patna.
2. The District Transport Officer Rohtas, Sasaram.
3. The Assistant District Transport Officer Rohtas, Sasaram.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.
For the Respondent/s : Mr. Anil Kumar Singh, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 25-06-2019

Heard Mr. Uday Kumar, learned counsel appearing for the petitioner and Mr. Anil Kumar Singh, learned Assisting Counsel to Standing Counsel No.21 for the State.

The petitioner seeks a direction to the respondents authorities in the Transport Department to exempt him for payment of road tax as well as penalty for the period the petitioner's truck was under the custody of the police i.e. from 08.11.2015 to 19.01.2019 by reason of institution of police case arising from Nokha P.S. Case No.225 of 2015 for the offence under section 395 of the Indian Penal Code.

According to learned counsel for the petitioner, the petitioner is the owner of the truck and had no involvement in the alleged dacoity which was committed by the driver of the truck and since it is on account of criminal act committed by the driver of the truck that the truck remained in custody for the period in question, the petitioner may be exempted from payment of road tax in the extraordinary circumstances put forth. The prayer is opposed by learned counsel for the State.

Having considered the submissions we are of the view that even if the petitioner has reasons for the grievance so raised, it has to be addressed first before the statutory authority but we note that no order of levy of road tax or penalty is on record. In such view of the matter and for the present, we would only give liberty to the petitioner to question the act complained of before the statutory authority and should the petitioner approach the statutory authority concerned within a period of four weeks from today, the same should be considered by the authority concerned and disposed of in accordance with law within a period of three months of filing of such application.

With the observation above, we dispose of the writ petition.

(Jyoti Saran, J)

(Partha Sarthy, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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