

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12404 of 2018

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Kumar Jha son of Late Bhavdeo Jha Vill. - Navtol, P.S. Jhanjharpur (RS Shivir), Dist. Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department of Transport, Govt. of Bihar, Patna.
2. Principal Secretary, Department of Transport, Govt. of Bihar, Patna.
3. Divisional Commissioner, Darbhanga.
4. District Magistrate, Madhubani.
5. District Public Redressal Grievances Officer, Madhubani.
6. The District Transport Officer, Madhubani.
7. District Transport Officer, Begusarai.
8. Avinash Kumar Thakur son of Late Mahesh Thakur Vill and Post Lakhnour Via Jhanjharpur, P.S. Lakhnour, District – Madhubani With its false address at baba Lodge Gali Sarda Sthan, Lohanipur, West Phulwarisharit, Patna.
9. Kari Singh @ Ranjit Kumar Singh son of Devendra Singh Mushadpur Tilrath P.O. P.S. Barauni, Dist - Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra, Advocate
For the Resp. No. 1 to 7	:	Ms. Smriti Singh, AC to AAG-10
For Resp. No. 8	:	Mr. Gautam Kejriwal, Advocate
		Mr. Atal Bihari Pandey, Advocate
		Mr. Alok Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 19-02-2019

Heard learned counsel for the parties.

The petitioner is aggrieved by order dated 11.06.2018 passed by the Principal Secretary, Department of Transport, Government of Bihar directing the District Transport Officer, Begusarai to cancel the Registration of the two trucks of the petitioner and to take up criminal action against him.

It appears that even before passing of the



interim order dated 03.08.2018 by this court, the District Transport Officer, Begusarai issued a notice to the petitioner and thereafter on finding no response he cancelled the registration vide order dated 18.06.2018. One F.I.R. has also been lodged in this connection on 30.06.2018. At one stage the petitioner filed Interlocutory Application being I.A. No. 7684/2018 seeking permission from this court to withdraw this writ application, but then another Interlocutory Application being I.A. No. 8697/2018 has been filed seeking permission to withdraw I.A. No. 7684/2018 and to allow the petitioner to amend the writ application.

I.A. No. 8697/2018 is allowed.

I.A. No. 7684/2018, thus stands dismissed as withdrawn.

By amending the writ application, petitioner is looking for setting aside of the order contained in Memo No. 1467 dated 18.06.2018 passed by District Transport Officer, Begusarai, as according to the petitioner, the cancellation of registration of the vehicle has been done by District Transport Officer, Begusarai at the instance of the Principal Secretary, Department of Transport, Government



of Bihar, Patna without providing any opportunity to the petitioner.

The facts of the case as reveal from the records are that the petitioner was deploying two Tankers for carrying on the product of the Indian Oil Corporation. There was a complaint that the petitioner had been using forged and fabricated documents to get a registration number of the vehicle, which was originally bearing registration number of Haryana, but then, on the request of the petitioner, a Bihar registration number was provided. Respondent no. 8 who lodged the complaint in this respect pursued the matter with the Public Grievance Authorities and ultimately at the second appellate stage when the matter went to the Principal Secretary, Department of Transport, Government of Bihar, the impugned order was passed.

It further appears that pursuant to the order passed by the Principal Secretary, Department of Transport, Government of Bihar, the District Transport Officer, Begusarai has taken a consequential action and cancelled the registration number of the two vehicles. In his counter affidavit the District Transport Officer, Begusarai has



categorically stated the facts and circumstances under which cancellation action has been taken by him.

In paragraph-4 of the counter affidavit, a specific statement has also been made that he had sent a notice to the writ petitioner but the writ petitioner failed to explain those allegations, though this fact has been denied by the petitioner. It is also stated that the petitioner was using forged number of trucks (tanker) No. HR-28D-9724 and HR-28D-9726 which were the registration number of motorcycle in the State of Haryana in Firozpur (Chirka). He has relied upon registration status of the vehicles as disclosed in Annexure-B & B/1 to the counter affidavit.

Although learned counsel for the petitioner has pleaded it to be a case of violation of principles of natural justice but this court is of the considered opinion that the principles of natural justice cannot be put in a straight jacket formula. The principle has to be applied in the given facts and circumstances of the case. This court would have been willing to interfere with the impugned order, had it been available in the pleading of the petitioner that the two numbers which are said to be registration numbers of the



motorcycles of the State of Haryana are in fact the correct registration number of the tankers of the petitioner? In the whole writ application, there is no positive statement to this effect, rather the case seems to be serious in nature that the petitioner was using a forged registration number which originally belong to two motorcycles. The matter is still under investigation, and at this stage from the materials available on the record, this court does not find any reason to interfere with the impugned order.

In case, in course of investigation or from any other clinching materials which may be collected by the petitioner it comes otherwise and it is found that the tankers were bearing correct registration number, it will be open for the petitioner to satisfy the District Transport Officer, Begusarai for restoration of the registration number.

No interference is called for at this stage. This Writ Application is dismissed but with the liberty aforesaid.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.02.2019
Transmission Date	

