

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12227 of 2016

=====

Sudhir Kumar Ojha Son of Sri Krishnadeo Ojha Resident of village -
Lahladpur, Patahi, P.S. Muzaffarpur Sadar, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Transport Department, Government of Bihar, Patna
3. The Transport Commissioner, Transport Department, Government of Bihar, Patna
4. The Pollution Control Board, Patna.
5. The Union of India through the Secretary Ministry of Road, Transport and Highways.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh, Advocate
For the U.O.I	:	Mr. S.D. Sanjay, Ad. S.G.
		Ms. Kanak Verma, C.G.C.
For the State	:	Mr. Ajit Kumar, G.A. - 9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-07-2019

This public interest litigation has been filed for setting up of automated vehicle inspection and certification centres in the State of Bihar pursuant to the scheme so floated by the Central Government on the ground that Bihar needs centres to be established as certifications are being issued by private persons in violation of the Rules. This certification, therefore, needs to be arrested and regulated for which centres are required to be set up as per the scheme of the Central



Government. The petition was entertained in the year 2016 and the Ministry of Transport and Highways, Union of India, came to be impleaded vide order dated 18.8.2018 and affidavits have been filed on its behalf. The letter dated 11th April, 2018 sanctioning the centres in 10 States under the plan for 2017-2018 to 2019-2020 has been indicated therein which also includes the State of Bihar. Guidelines have been framed that have been brought on record.

2. During the course of the pendency of this petition, affidavits have been filed and today a supplementary counter affidavit has been filed on behalf of the State of Bihar. Paragraph 8 to 11 of the said affidavit is extracted hereinunder:

“8. That with regard to reply under para- 13 of the rejoinder petition, it is humbly submitted that the Transport Department has taken initiative for setting up of Automated Inspection and Certification Centre at Bihta. The land has already been finalized and Technical Consultant M/s CIRT has already been appointed.

9. That it is needful to state that the land physical possession order has been sanctioned by the Bihar Industrial Area Development Authority vide memo no. 22/5 dated 11.07.2019 in the name of District Transport Officer, Patna.

10. That the Tripartite Agreement had to be signed between the Ministry of Road Transport and Highway (MoRTH), Transport Department and CIRT. The said agreement has



already been vested by Transport Department and forwarded to the Ministry of Road Transport and Highways, for final approval.

11. That the MoRTH has sent E-mail dated 23-07-2019 in connection with the Tripartite MoU for Inspection and Certification Centre, Patna which has been approved by the competent authority for further necessary action. It is pertinent to state that the signing formalities in this regard may be completed within a fortnight.”

3. A perusal thereof would indicate that the centre has been sanctioned for being constructed at Bihta (Patna) for which land has been allotted and a physical possession order dated 11th July, 2019 has been brought on record whereby an area of 3 acres of land has been allotted in industrial area Sikandarpur, Bihta (Patna). The memorandum of understanding has been sent for sanctioning and has not been sanctioned even though there is an approval of the Government of India.

4. It is after a pendency of almost 3 years that this situation has arrived whereby the State Government has now offered land and the scheme is in the process of being executed and the centre is to be established soon.

5. Keeping in view the nature of the requirement which is essential for the purpose of issuing appropriate certificates relating to emissions from vehicles, we direct that the entire project shall be concluded and the same shall be



installed and made functional by 31st December, 2019. The Ministry of Transport and Highways, Government of India, as well as the Department of Transport, Government of Bihar through the respective Secretaries are directed to ensure the completion and the functioning of the centre as proposed to be set up about which details have been indicated above.

6. The demand raised in the writ petition by the petitioner is of such centres throughout the State of Bihar keeping in view the large number of vehicles and also the need for checking and regulating pollution. We find from the material on record that the Government of India does not appear to have been approached indicating the requirement of such centres throughout the State of Bihar and, therefore, it will be open to the petitioner to first approach the concerned Ministry, namely, the Ministry of Transport and Highways, Government of India as well as the Ministry of Transport, Government of Bihar simultaneously raising this issue together with facts and figures for their consideration and, in the event any such representation is moved, the same shall be considered by the respective Governments for any appropriate action in this regard in accordance with law.

7. With the aforesaid directions, this public interest



litigation stands disposed of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.07.2019
Transmission Date	N/A

