

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23077 of 2019

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Ashish, S/o Rajendra Mishra, R/o Tara Kunj, Gola Road, Dinapur-cum-Khagaul, P.O.-Danapur, P.S. Rupaspur, Distt.-Patna-801503.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police (D.G.P.), Bihar, Patna.
3. The Divisional Commissioner, Patna, Bihar.
4. The Principal Secretary/Secretary Department of Transport, Bihar, Govt. of Bihar, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Superintendent of Police Traffic, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.
For the Respondent/s : Mr.Ajay Kumar Rastogi (AAG-10)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-11-2019 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“i. For a direction to the respondents State Govt. and the officials not to use criminal force and coercive action against the common public and restrain them from insulting/humiliating public in large including lawyers in the name of vehicle checking.

ii. For a direction to issue a writ in the nature of mandamus to the respondents to abide by the terms



and conditions as well as law laid down in M.V. Act.

iii. For a direction to the respondent authorities to abide by the guidelines laid down in amendment dated 2nd November, 2016 of Rule 139 of the CMVR, (Central Motor Vehicle Rules), 1989, production of license and certificate of registration of the vehicle which are being checked by the concerned officials of the State.

iv. For a direction to the Director General of Police, Bihar, D.G.P. for issuance of a proper instruction to the subordinates to obey their obligation in the proper manner and not to use physical force abusing language/assaulting the public in large in course of checking of the vehicles.

v. For a direction to the respondent authorities to comply with the directions contained in letter dated 19th November, 2018 issued by the Ministry of Road Transport and Highways, Government of India which has made specific directions to the enforcement officers so that citizens are not to be harassed/inconvenienced in course of checking of the vehicles.

vi. For a direction to the respondent authorities to abide by the guidelines and the Standard Operating Procedure (SOP) for validating the Driving Licence, Registration Certificate and other transport related documents and the inspecting officer will accept the information in a way of documents presented in electronic form through IT or Mobile App as per the Government notification dated 17th December, 2018



production of license and certificate of registration of the vehicle which are being checked by the concerned officials of the State.”

Considering the nature of grievance raised in the application, we are of the considered view that it would be appropriate if the petitioner were to first approach the respondent authorities by way of filing representation.

The present application is, accordingly, disposed of reserving the liberty to the petitioner to file appropriate representation before the appropriate authority within a period of four weeks. If such a representation is filed by the petitioner within the time stipulated, the authorities are directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter.

With the aforesaid observations, this application is disposed of.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/-

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