

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1842 of 2020

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Praween Kumar, Singh S/o Sri Shyam Nandan Prasad Singh Resident of
Marwari School Road, Darbhanga, P.S.- Town (Darbhanga), District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Transport, Bihar, Patna.
2. State Transport Commissioner Department of Transport, Government of Bihar, Patna.
3. The District Magistrate cum Collector Darbhanga.
4. The District Transport Officer Darbhanga.
5. Mani Bhushan Kumar Son of Sri Lalan Shukla Resident of At Prabhat Nagar, Bhagwanpur, P.S. and District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praween Kumar Singh (Inperson)
For the Respondent/s	:	Mr. Sarvesh Kumar (GP24)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 20-02-2020

The petitioner has approached this Court being aggrieved by the fact that private-respondent no. 5 has been allowed and permitted to ply his vehicle on commercial basis at Darbhanga even though he is a resident of Muzaffarpur.

The petitioner, who has appeared in person, has drawn the attention of this Court to Section 40 of the Motor Vehicles Act, 1988, which provides the condition



under which registration of a vehicle is to be made. The provision contained in Section 40 of the Act does not proscribe registration of a vehicle at a place of business, where the vehicle is normally kept.

The grounds which have been urged by the petitioner for not permitting private-respondent no. 5 to operate his business from Darbhanga are that at the time of purchase and in the Adhaar Card, his place of residence has been shown to be Muzaffarpur.

However, after some arguments, the petitioner agrees to pursue the representation which he has filed before the State Transport Commissioner on 16.12.2019.

On the production / receipt of a copy of this order, the State Transport Commissioner, Department of Transport, Government of Bihar, Patna (Respondent No. 2) shall look into the averments made in the representation and should he require to hear the private-respondent no. 5, a notice shall be issued to him and after adverting to all the grounds raised, a reasoned order shall be passed



within a period of 60 days from the date of production/receipt of a copy of this order and which decision shall be communicated to the petitioner forthwith.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	24.02.2020
Transmission Date	

