

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17196 of 2018

=====

Anil Kumar Singh Son of Sri Surendra Prasad Singh Resident of Basantpur
Jhitkahi, P.O. Bishunpur Baghnagri, Police Station- Sakra, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Principal Secretary, Transport Department, Govt. of Bihar.
3. The State Transport Commissioner, Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan
For the Respondent/s : Mr.Ajay Kumar Rastogi- Aag10

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 27.08.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) For issuance of writ in the nature of mandamus
directing the respondent authorities to establish a
separate fund and maintain the fund which is also
otherwise statutory, prescribed as per proviso to sub
section (3) of section 146 of the Motor Vehicle Act,
1988 and amount kept in this fund be used only for
the purposes allowed under section 146(3) of the



Motor Vehicle Act, 1988.

(ii) For directions the respondent authorities to take an effective step to maintain the 'Fund' as mandated under Section 146(3) of the Motor Vehicle Act. The Fund be maintained in such a manner that amount is enough to meet the liability arising out of the use of any vehicle of that authority which that authority or any person in its employment may incur to third parties.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.



The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

BT/-Rahul

U			
---	--	--	--

