

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5096 of 2020**

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1. Naresh Kumar Goyal, son of Late Vishawanath Prasad Goyal, resident of C/o Maa Shakambari Travel, Station Road, besides Seema Honda Showroom, Near Devi Asthan, P.s.- Kotwali, District- Gaya.
  2. Arun Kumar Singh, son of Sri Ambika Singh, resident of village - Kenduai, P.S.- A.N. Magadh Medical College, Gaya, District- Gaya.
  3. Somnath Tiwari, son of Late Jugal Kishore Tiwari, resident of North Lakhibagh, P.s.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Joint Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Secretary, Transport, Government of Bihar, Patna.
3. The State Transport Commissioner, Government of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The Collector, Gaya.
6. The Joint Commissioner-cum-Secretary, Regional Transport Authority, Government of Bihar, Magadh Division, Gaya.
7. The District Transport Officer, Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Arun Kumar Sinha, Advocate      |
| For the Respondent/s | : | Mr. Ajay Kumar Rastogi, A.A.G.10    |
|                      |   | Mr. Rohitabh Das, A.C. to A.A.G. 10 |
| For U.O.I.           | : | Mr. S.D. Sanjay, A.S.G.             |
|                      |   | Mr. Kumar Priya Ranjan, C.G.C.      |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      05-03-2020

The petition filed on 04.03.2020 is listed for hearing

for the first time today before the Court.

This application has been preferred praying inter alia  
for the following relief/s:

“For issuance of direction upon the  
Respondents concerned to declare new amendment of  
Central Motor Vehicles Rules, 1989 is unconstitutional,  
void and not acted upon because the Section 110 of  
Motor Vehicle Act has power to make rules regarding to



construction, equipment and maintenance of the motor vehicle.”

It is seen that the petitioner has already approached the concerned authorities. The petitioners’ request to the Joint Secretary, Ministry of Road Transport & Highways, Government of India, New Delhi (Annexures 2 and 3), as per averments made are yet pending.

If that were so, the present application is disposed of and the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petitions, if so required and desired.

With the aforesaid observations, this application is disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/uma/-

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