

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11147 of 2019

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Bihar Truck Owner Association Having its office at Shivpuram Road No. 1
Vijay Nagar Rukunpura Bailey Road Patna-801503, through its President
namely Bhanu Shekhar Prasad Singh Aged about 61 years Gender Male Son
of Late Bindeshwsari Prasad Singh, resident of Mohalla Jagdeo Nagqar,
bailey Road P.s. Rupaspur, Distt. patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat Government
of Bihar, Patna.
2. The Principal Secretary Home Department Government of Bihar, Patna.
3. The Director General of Police Government of Bihar, Patna.
4. The Secretary Department of Transport Government of Bihar, Patna.
5. The Commissioner Department of Transport Government of Bihar, Patna.
6. The Joint Secretary Department of Transport Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 28-01-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“i. For issuance of a writ in the nature of
mandamus directing the respondents to act



accordance with the amended section 114(1) of the Motor Vehicles Act, 1988.

ii. For issuance of a writ in the nature of mandamus directing the State police not to harass the driver, owner, cleaners of the transport vehicles on the ground over loading and to act accordance with law.

iii. For issuance of a writ in the nature of mandamus directing the respondents to enquire the act of the State Police that in spite of the amendment to Section 114 of the Motor Vehicles Act, 1988, still the police are harassing the owners, driven of the transport vehicles and the act clearly means that the police are beyond the per view of interference.

iv. For any other appropriate writ / writs, order/orders/direction, which your Lordships may deem fit and proper on the facts and circumstances of the case.”

In view of the response dated 20.9.2019 filed by the Respondent No. 3, Sri Y.V.Giri, learned senior Advocate, states that the matter can be closed, for the respondents themselves have taken appropriate action in taking the remedial measures, dealing with the grievances raised by the petitioner.

As such, from the aforesaid affidavit, it is evident that now instruction stand issued to the appropriate authorities to act



in accordance with law.

The averments made in the aforesaid affidavit, which we find necessary for disposal of the writ petition, are reproduced herein under:-

“5. That it is further submitted that the provision of section 114 of the Motor Vehicle Act, 1988 authorizes only the officers, of Transport Department authorized in this behalf of the State Government to proceed as per said section. However, it came into knowledge of the police Department that some police Officers went beyond their jurisdiction and vested interest seized the truck on charge of over loading. In this circumstances, the Police Headquarters, Bihar, Patna has issued advisory to the SSPs/SPs of the State vide Memo no. 1300 dated 13.3.2019.

11. That under the facts and circumstances mentioned above, it is humbly submitted that the provision of section 114 of the Motor Vehicle Act, 1988 is meant for officers of Transport Department only and the police have no role to play unless any transport officer authorized in this behalf asks for assistance.”

As such, taking the aforesaid statement on record, the



present petition stands disposed of in terms thereof.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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