

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17445 of 2018

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Ram Naresh Singh, son of Late Ganga Prasad Singh, resident of Thathopur, P. S. Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Transport Department, Govt. of Bihar, Old Secretariat, Patna.
4. The State Transport Commissioner, Transport Department, Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate Mr. S. Azeem, Advocate Mr. Shyama Kant Singh, Advocate
For the State	:	Ms. Shilpi Kesari, AC to AAG-10
For Amicus Curiae	:	Mr. Satyabir Bharti, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 24-02-2020

Petitioner has prayed for following relief:-

“For issuance of an appropriate writ in nature of mandamus by commanding and directing the authority concern regarding implementation of amendment in Rule-62 of Central Motor Vehicle Rules 1989 under notification number 1096(A) dated 28.11.2016 and its corrigendum dated 14.03.2017 in letter and spirit which remains unimplemented till date even after consuming pretty long time despite the amendment of Central Rule by competent authority and its circulation in gazette of India is being for all purposes to all concern including central Govt. and all the State Govt. and under the law no one can confront the amendment instead to carry out as an



amended and for other necessary relief/reliefs to the basis of the facts and circumstances of the case enumerated and discussed hereinafter.”

From the counter affidavit dated 30.07.2019 and more specifically averments made in paragraph no.12 thereof, which are reproduced hereinbelow, it is evident that the State has now taken the action in implementing the provisions of Rule 62 of Central Motor Vehicle Rules, 1989; notification dated 28th November, 2016 stands issued in that regard as also Form No.38 A, as stipulated under the Rules, stands notified.

Para-12 of the counter affidavit reads as under:-

“That is it stated that after getting approval from the higher level of the Department, the Govt. of Bihar in the Department of Transport vide its letter contained in memo no. 1381 dated 15.02.2019 issued under the signature of Secretary Transport Department, Govt. of Bihar, Patna giving information to all the joint Commission-cum-Regional Transport authority, the District Transport Officers, Motor Vehicle Inspectors and Enforcement Sub Inspectors, with regard to implementation and enforcement of the notification no. 1096(A) dated 28.11.2016 with immediate effect in the state of Bihar and the copy of the said letter along with the notification has been uploaded in the departmental website.”

As such, the present petition stands disposed of as



having become infructuous.

Insofar as the issue of implementation of the notification is concerned, the issue is left open to be considered and decided in appropriate proceeding as and when need so arises.

We appreciate the valuable assistance rendered by Mr. Satabir Bharti, learned amicus curiae in disposal of the instant petition.

(Sanjay Karol, CJ)

(S. Kumar, J)

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