

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22547 of 2013

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Alakh Kumar Mishra, S/O Late Kapildeo Mishra Resident Of Village And
Post- Daniyal Parsawna, P.S- Sathi, District- West Champaran,M Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Transport Department,
Government of Bihar, Patna.
2. Member, Board Revenue, Government Of Bihar, Patna.
3. The Principal Secretary, Department Of Transport, Government Of Bihar,
Visheshwaraiya Bhawan, Baile
4. Joint State Transport Commissioner, Transport Department, Visheshwaraiya
Bhawan, Bailey Road, Patna
5. District Transport Officer, West Champaran, Bettiah.
6. Motor Vehicle Inspector, Bettiah, West Champaran

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1539 of 2014

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Amod Kumar Mishra, son of Sri Alakh Kumar Mishra, Resident of Village
and Post-Daniyal Parsawna, P.S.- Sathi, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Transport Department,
Government of Bihar, Patna.
2. Member, Board Revenue, Government Of Bihar, Patna.
3. The Principal Secretary, Department Of Transport, Government Of Bihar,
Visheshwaraiya Bhawan, Baile
4. Joint State Transport Commissioner, Transport Department, Visheshwaraiya
Bhawan, Bailey Road, Patna
5. District Transport Officer, West Champaran, Bettiah.
6. Motor Vehicle Inspector, Bettiah, West Champaran

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 22547 of 2013)

For the Petitioner/s :

For the Respondent/s : Mr.Ajay Bihari Sinha, Advocate.

(In Civil Writ Jurisdiction Case No. 1539 of 2014)

For the Petitioner/s :

For the Respondent/s : Mr.Ajay Bihari Sinha, Advocate.



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

(Per: HONOURABLE THE CHIEF JUSTICE)

9 04-12-2020 Petitioner, in CWJC No. 22547 of 2013, has prayed
for the following relief(s):-

“ For issuance of an appropriate writ, order or direction, particularly in the nature of writ of certiorari for quashing the order dated 1.6.2013 passed by learned Member, Board of Revenue (Respondent no 2) in Tax Revision Case no 42/2012 (Annexure-12) whereby and whereunder the revision application was dismissed and affirmed the order of the learned Principal Secretary cum Appellate Authority, Department of Transport, Government of Bihar, Patna who without mentioning the date passed in 2/Tax-Appeal 172/2008 and communicated to the petitioner vide memo no 2/Tax Appeal-172/2008/868-Patna dated 15.5.2012 under the signature of Joint Transport Commissioner, Patna (Annexure-9) refused to exempt the payment of road tax and additional tax in respect of the Petitioner's vehicle bearing registration no B. P. E- 5238 for the period 01.09.1998 to 30.04.2007 amounting to Rs 1,34,149/- plus penalty of 2,68,298/- i.e total Rs 4,02,447/- on the ground that the said vehicle has not been surrendered in accordance with Section 17 of the Bihar Motor Vehicles Taxation Act 1994 and there is no clear evidence to say that the aforesaid



vehicle is parked in the garage of Munstaque Mistry which is erroneous and not sustainable in the eye of law. And be further pleased to exempt from payment of tax relating to the aforesaid bus for the period 1.9.1998 to 30.4.2007 amounting to Rs. 4,02,447/-.”

Petitioner, in CWJC No. 1539 of 2014, has prayed for the following relief(s):-

“For issuance of an appropriate writ, order or direction, particularly in the nature of writ of certiorari for quashing the order dated 1.6.2013 passed by learned Member, Board of Revenue (Respondent no 2) in Tax Revision Case no 41/2012 (Annexure-12) whereby and whereunder the revision application was dismissed the order of the learned Principal Secretary cum Appellate Authority, Department of Transport, Government of Bihar, Patna who without mentioning the date passed in 2/Tax-Appeal 08/2009 and communicated to the petitioner vide memo no 2684-Patna dated 29.06.2012 under the signature of Joint Transport Commissioner, Patna (Annexure-9) and refused to exempt the payment of road tax and additional tax in respect of the Petitioner's vehicle bearing registration no BR-04M-3749 for the period 01.09.1998 to 30.04.2007 amounting to Rs 1,42,422/- plus penalty of Rs 2,90,844/- i.e total Rs 4,36,266/- on the ground that the said vehicle has not been surrendered in accordance with Section 17 of the Bihar Motor



Vehicles Taxation Act 1994 and there is no clear evidence to say that the aforesaid vehicle is parked in the garage of Munstaque Mistry which is erroneous and not sustainable in the eye of law. And be further pleased to exempt from payment of tax relating to the aforesaid bus for the period 1.10.1998 to 30.4.2007 amounting to Rs. 4,36,266/-.”

On 02.12.2020, we had passed the following order:-

“On 13th of November, 2020, we had passed the following order:

“Despite repeated calls, none has entered appearance on behalf of the petitioners.

Perhaps, with the passage of time, present matters have become infructuous.

List on 26.11.2020.”

Today also, despite repeated calls, none has entered appearance on behalf of the petitioners. We are informed by the Court Master that link for hearing was also sent to the learned counsel.

However, in the interest of justice, we adjourn the matters.

List on 04.12.2020 in the category of “Orders”.

Even today, despite repeated calls, none has entered appearance on behalf of the petitioners.

Learned counsel for the State states that, perhaps, with the passage of time, present petitions have become



infructuous inasmuch as the period for which the motor vehicle tax was charged is now over. It is on account of said fact, the petitioners may have lost interest in the present matters.

As such, we dispose of the present petitions reserving liberty to the petitioners to agitate the surviving issues, if any, before the appropriate forum or file a fresh petition agitating the very same issue. Also, if so advised, file an application reviving the present petitions.

We are constrained to pass the order for the reason that the matter pertains to the year 2013 and none has come forward to assist the court when the matter has been on board on several occasions.

Interlocutory application, if any, shall stand dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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