

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19937 of 2019

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Rajesh Singh, S/o Sri Arjun Prasad Singh, Resident of Village- Mahant Nager
Katihar, P.S.- Sahayak, District- Katihar.

... .. Petitioner/s

Versus

1. Union of India through its Cabinet Secretary, Department of Road and Transport, Govt. of India, New Delhi.
2. State of Bihar through the Principal Secretary, Department of Transport, Govt. of Bihar, Patna.
3. The Chief Secretary, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pancham Lal Jaiswal, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4
		Mr. Ravindra Kumar Sharma, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

The petitioner has prayed for following relief(s):

“i. For issuance of the writ in the nature of quo-warranto or any other writ to ask from the respondent common about the hard's penalties (pecuniary by nature) as amended in penalty and fines under Motor Vehicles (amendment) Act, 2019 as in Main Act of the Motor Vehicle Act 1988 further section, old provision/penalty and new purpose provision as such **Amendment in**



Penalties and Fines under Motor Vehicles (Amendment) Act, 2019. Section 177 to 210B.

ii. For this Hon'ble court is further prayed that to give the direction to central Govt. Authorities and state, Govt. Authorities to minimize the penalty and fine of the recent amendment of Motor Vehicle Act 2019 especially for the state of Bihar which is the poor state and the per capita income of the people of the Bihar is far Behind than any other state.

iii. This Hon'ble court is further prayed to adjustment and hold that the power of state Govt. to make rules as per the section 138 of the Motor Vehicle Act 1988.

iv. This Hon'ble court is further prayed that 137 of the Motor Vehicles Act 1988 where power of central Govt. to make rules is also define so in the above aspect this Hon'ble Court may direct to the respondents concern to reduce the amount of fine and punishment relating to the amount is concern one example is such as per the entering the section- 181 driving without license as per the old provision penalty was rupees 500/- Rs but as per the new proposed provision it is Rupees 5,000/-.

v. For issuance of any other writ/ writs direction/ directions for which the



petitioner may be found entitled in the given facts and Circumstances of this case.

vi. To interfere to the matter of Govt. policy it is demonstrably arbitrary capricious irrational discriminatory of violative of constitutional or statutory provisions. So that to give the direction to the respondent concern regarding made minor of fine and penalties.”

We notice that the petitioner has not challenged the validity of the amendment carried out to the Penalties and Fine under the Motor Vehicles (Amendment) Act, 2019. His prayer is for a diction to the State to reduce the amount of penalty imposed in terms thereof. Now, either he ought to have challenged the validity of the amending Statutes or ought to have represented to the State, for it is not the legislative function of the Court to reduce the amount.

As such, we dispose of the present petition reserving liberty to the petitioner to approach respondent no. 2 namely, the Principal Secretary, Department of Transport, Government of Bihar, Patna.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its



filing along with a copy of this order.

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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.
All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

