

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20539 of 2019

Prabhat Bharadwaj @ Prabhat Kumar Munna, Son of Bachcha Jee Choubey,
Resident of Flat No. 107, Maa Kali Tower, Abhiyanta Nagar, Ranjan Path
Near Gokhula Gas Agency, Bailey Road, Danapur-Cum-Khagaul, P.S.
Rupaspur, District-Patna, at Present Janakpuri, Road no.1, Gola Road, P.S.-
Rupaspur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Road Transport Department, Government of Bihar, Patna.
3. The Principal Secretary, Home Department, Government of Bihar, Patna.
4. The Director General of Police, Bihar.
5. The Divisional Commissioner, Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Traffic Superintendent of Police, Patna.
9. The District Transport Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi (AAG-10)

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) Issuance of an order, direction or writ in the nature of Mandamus directing the respondent State Authority to supply information/data, with details of the amount of penalties collected by the respondents with regard to the violations of Motor Vehicles Act,



1988 (As amended from time to time) from the Public Transport Vehicles/ Commercial Vehicles viz a viz the amount of penalty collected from private vehicles, district wise from the entire state of Bihar.

(ii) Issuance of an order, direction or writ in the nature of Mandamus directing the respondent authorities to produce the order of the District Transport Officer, Patna given to the Traffic Police to impose fines/ penalties under section 179 of the Act apart from penalties for other offences even when e-challans for contravention of any provisions of the Act having been committed by a person.

(iii) Issuance of an order, direction or writ in the nature of Mandamus directing the State Government to provide the details of the electronic monitoring and enforcement of road safety so provided for ensuring for hauling up a person alleged to have committed any breach of the provisions of the Act.

(iv) Issuance of an order, direction or writ in the nature of Mandamus directing the respondent state to refund the entire penalties/ fines so collected by it for alleged violation of any of the provisions of the Act apart from ensuring both departmental and criminal prosecution of the concern authorities of the state government who were/are involved in "The illegal enrichment" to the State.

(v) Issuance of an order, direction or writ in the nature of Mandamus/Certioraris this



Hon'ble Court may deem fit and proper.

(vi) Any other relief or reliefs as the petitioner may be found entitled to in the facts and circumstances of this case.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned i.e. respondent no. 5 namely, the District Magistrate, Muzaffarpur, 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

