

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10183 of 2021

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Ajit Kumar Mitruka @ Ajit Mitruka Son of Kedar Nath Mitruka, resident of Nehru Road, Khalpara, near Shankar More, Siliguri, District-Darjeeling (West Bengal) at present 42 M.G. Road, Khalpara, Siliguri, District-Darjeeling (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Transport, Government of Bihar, Patna.
2. State Transport Authority, Bihar through its Secretary, office situated at Vishveshwariya Bhawan, Bailey Road, Patna.
3. The Chairman, State Transport Authority, Bihar, office situated at Vishveshwariya Bhawan, Bailey Road, Patna.
4. State Transport Commissioner, Transport Department, Government of Bihar, Vishveshwariya Bhawan, Bailey Road, Patna.
5. Secretary, Transport Department, Government of Bihar, Vishveshwariya Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Randhir Kumar Singh, Advocate
		Mr. Manoj Kumar Panday, Advocate
		Mr. Akshya Sinha, Advocate
For the Respondent/s	:	Mrs. Anuradha Singh, SC 21

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2021

Petitioner has prayed for the following relief(s):-



- i) For issuance of an appropriate writ, order or direction, directing the respondents to countersign the permanent Inter State Stage Carriage Permit No. P.St.P. No.-07/1996(I/S) for the route Siliguri to Patna via Bakhtiarpur, covered with bus no. WB-73-8153 valid for the period 17.06.2016 to 16.06.2021, permit granted/renewed and issued by State Transport Authority, West Bengal, Kolkata and accept the tax w.e.f. the date when the authority grant and issue the countersignature slip.
- ii) To direct the authority not to realize the road tax, additional tax in respect of the bus covered with

permit P.St.P.No. 07/1996(I/S) during the period for which the petitioner's bus no. WB-73-8153 did not enter in the State of Bihar in absence of countersignature slip of the aforesaid petitioner's permit and deposited tax in anticipation of the counter signature of the said permit may be adjusted as a current tax in respect of aforesaid bus for the State of Bihar.

- iii) To grant such other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of the case.



Learned counsel for the petitioner states that the petitioner shall be content if a direction is issued to respondent No. 2 to positively consider and decide the petitioner's application pending for counter signature since 24th of June, 2016.

Mrs. Anuradha Singh, learned counsel for the respondents, states that the said application shall positively be considered and decided on merits in accordance with law positively within a period of four weeks.

Learned counsel for the petitioner states that petitioner is not required to pay any additional amount, more so in the light of the decision rendered by a Co-ordinate Bench of this Court in the case of Yamuna Singh Vs. The State of Bihar & Ors., reported in 2016(2) PLJR 453.

Well, in our considered view, this issue needs to be considered by the appropriate authority and if the petitioner's case is squarely covered vide ratio laid in the said case, surely, the same would apply to the petitioner's case.

We direct disposal of the application positively within a period of four weeks from today. Also, we direct the petitioner to appear before respondent No. 2, namely State Transport Authority, Bihar, Patna in his office on 20th of



September, 2021 at 10:30 a.m. and place entire material in support of his contentions/case.

Mrs. Anuradha Singh, learned counsel for the respondents, states that petitioner would have no difficulty in the decision of the application.

Statement accepted and taken on record.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.09.2021
Transmission Date	

