

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10256 of 2020

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Mani Bhushan Kumar Son of Lallan Shukla Resident of Village- Prbhat
Nagar, Bhawanipur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Transport, Bihar, Patna.
2. The State Transport Commissioner, Department of Transport, Government of Bihar, Patna.
3. The Divisional Commissioner cum Chairman, Regional Transport Authority, Vaishali.
4. The Joint Commissioner cum Secretary, Regional Transport Authority, Vaishali.
5. The District Magistrate, Vaishali.
6. The District Transport Officer, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Namrata Mishra, Ratanakar Jha, Advocates
For the Respondent/s : Mr Rohitabh Das, AC to AAG X

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

3 01-12-2021 The petitioner has put to challenge an order passed by

the District Transport Officer, Vaishali dated 05.03.2020

whereby the registration numbers of the petitioner's two

vehicles have been suspended.

A preliminary objection has been raised on behalf of

the State of Bihar on maintainability of the writ petition as the

petitioner has statutory alternative remedy of appeal under



Section 89 (1) (b) of the Motor Vehicles Act, 1988 (for brevity, *the Act*) which the petitioner has not availed.

Considering the facts and circumstances of this case, this writ petition is disposed of with the observation that the petitioner shall be at liberty to approach the Appellate Authority by preferring an appeal under Section 89 (1) (b) of the Act.

If such appeal is filed within a fortnight from today with an application seeking condonation of delay, the Appellate Authority shall condone the delay keeping in mind the fact that the petitioner was pursuing his remedy before this Court by filing the present writ petition and decide the appeal on merit.

This Court expects that the appeal shall be decided as expeditiously as possible, preferably within three months from the date of filing the appeal.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

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