

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19225 of 2021

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All India Motor Transport Congress Having its Head Office at 1/16A, Asaf Ali Road, New Delhi- 110002 through its Secretary General, Naveen Kumar Gupta (Male), aged about 49 years, Son of Late Shri Suresh Chand Gupta, Resident of B 4/43- B, LIG, DDA Flats, Ashok Vihar Phase 2, H.O. North West Delhi, Police Station- Ashok Vihar, Delhi- 110052.

... .. Petitioner/s

Versus

1. Union of India through Secretary (Transport), Ministry of Transport and Highway, Transport Bhawan, 1, Parliament Street, New Delhi- 110001.
2. National Highways Authority of India through its Chairman G 5 and 6, Sector-10, Dwarka, New Delhi- 110075.
3. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.
4. The Department of Transport, Government of Bihar through Secretary (Transport), Vishwesaraiya Bhawan, Bailey Road, Patna- 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Avinash Chandra, Advocate Mr. Apurva Kumar, Advocate Mr. Kumar Vikram, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh, ASG Mr. Radhika Raman, CGC Mr. Ajay Kumar Rastogi, AAG-10 Mr. Shri Nath Pathak, SC-NHAI

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

Date : 24-11-2021

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

“1.(i) For quashing of the Gazette Notification no. 943, Patna Published on 16.12.2020 by the Government of Bihar in the Official Gazette, Bihar and General Notification no. San. 03/overloading (dala Nirdharan)-0112020 pari. 8536 issued on 16.12.2020 by the Department of Transport, Bihar being ultra vires,



(ii) Seeking enforcement of the fundamental rights guaranteed to the petitioner and his fellow truck owners under Article 14, 19(1)(d), 19(1)(g) and 21 of the Constitution of India and

(iii) Further for grant of all other relief or reliefs to which the petitioner is found entitled during the course of hearing of the writ application.”

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to approach Respondent No. 4, namely the Department of Transport, Government of Bihar through Secretary (Transport), Vishwesaraiya Bhawan, Bailey Road, Patna-800015.

Permission granted.

Petition stands disposed of as withdrawn with liberty to the petitioner to approach Respondent No. 4, namely, the Department of Transport, Government of Bihar through Secretary (Transport), Vishwesaraiya Bhawan, Bailey Road, Patna-800015 by filing a representation along with a copy of this order and the said respondent shall decide the same in accordance with law within a period of four weeks from the date of filing of the representation.

Liberty also reserved to the petitioner to approach this



Court afresh on the same and subsequent cause of action, should the need so arises subsequently.

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

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

