

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17559 of 2019**

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M/s Shanti Auto having its Place of Business at Pipalpanti Road, Belan Bazar, Munger through its Parner, Arvind Prasad, Aged about 58 Years (Male), Son of Late Jageshwar Prasad, Resident of Pipalpanti Road, Belan Bazar, Police Station-Kasim Bazar, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Transport department, Government of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna-800015.
2. The Secretary, Transport Department, Government of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna-800015.
3. The District Transport Officer, Munger.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sandeep Kumar, Adv & Mr.Alok Kumar @<br>Alok Kr Shahi, Adv |
| For the Respondent/s | : | Mr.Anil Kr. Singh (GP26)                                       |

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

**Date : 15-03-2021**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s)-

"(i) In the nature of certiorari, quashing the letter no. 300, dated 28.02.2019, issued by the Office of District Transport Office, Munger, whereby the petitioner was directed to deposit an amount of Rs. 24,76,070.00/- on account of trade tax.

(ii) In the nature of mandamus, directing the respondents to refund the aforesaid amount which was deposited, on protest, by the petitioner through Bankers Cheque, dated 01.03.2019.

(iii) In the nature of mandamus directing the respondents to refund Rs. 3,77,341/- which has been collected illegally for the period 2005-2018."



Learned counsel for the respondents state that all orders imposing tax and penalty passed by the Authority, shall be supplied to learned counsel for the petitioner, within two weeks. He further clarifies that the petitioner's contention of non supply of such orders is *ex facie* incorrect, but we do not choose to consider such issue and direct the petitioner to file appropriate petition based on the orders which shall be supplied to him.

We also find that the document in relation to writ clause 1(i) is not on record which Sri Sandeep Kumar, learned counsel for the petitioner, clarifies was never supplied to the petitioner.

As such, we dispose of present petition reserving liberty to the petitioner to take recourse to such remedies as are otherwise available in accordance with law.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

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