

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.759 of 2022

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M/s B.K. Auto Agency having its Office at Main Road, NH-28A, Laxmipur, Raxaul, Bihar, through its Proprietor, Shri Kalim Ahmad, aged about 49 Years, Gender-Male, S/o Shamsuzamma R/o Ward No. 11, PS Adapur, Bishunpurwa, East Champaran-845301, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Transport Department, Govt. of Bihar, Patna.
3. The State Transport Commissioner, Transport Department, Govt. of Bihar, Patna.
4. The District Transport Officer, East Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikhil Agrawal, Advocate Mr. Vaibhav Niti, Advocate
For the Respondent/s	:	Smt. Anuradha Singh (S.C. 21)

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

Date : 18-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

(i) To issue an appropriate writ/order/direction in the nature of certiorari quashing the Memo dated 21.08.2020 bearing Memo No.5992 (Anx-12) whereby and whereunder the respondents have misinterpreted the order dated 13.08.2020 of the Hon'ble Apex Court and have disallowed the registration of the vehicles sold by the petitioner.

(ii) To issue an appropriate writ/order/direction in the nature of mandamus directing

the respondents to issue appropriate orders to the concerned DTO to register the vehicles enumerated in the chart annexed as Annexure-13 upon verification of the authenticity of the sale/purchase transaction in accordance with law;

(iii) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents to give effect to the various orders passed by the Hon'ble Supreme Court whereby and whereby the Hon'ble Court has granted permission for registration of BS-IV vehicles purchased on or before 31.03.2020;

(iv) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents to accept registration of even those vehicles which were sold on or before 31.03.2020 but details of which could not be uploaded by the petitioner on the portal as the e-Vahan portal was inoperative/inactive on 29.03.2020, 30.03.2020 and 31.03.2020;

(v) To any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner prays that the instant petition be disposed of exactly in the same terms as contained in judgment dated 07.10.2021 passed by this Court in C.W.J.C. 5165 of 2021, titled as Khagaria Auto Agency Vs. The State of Bihar & Ors. (page 140).

Judgment dated 07.10.2021, passed in C.W.J.C. 5165 of 2021 is reproduced hereinunder:-

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

“(i) To issued an appropriate writ/order/direction in the nature of Mandamus directing the Respondents to issue appropriate orders to the respective DTO’s to register the vehicles enumerated in the chart annexed as Annexure-12 upon verification of the authenticity of the sale/purchase transaction in accordance with law.

(ii) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the Respondents to give effect to the various orders passed by the Hon’ble Supreme Court whereby and whereby the Hon’ble Court has granted permission for registration of BS-IV vehicles purchased on or before 31.03.2020.

(iii) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondents to accept registration of even those vehicles which were sold on or before 31.03.2020 but details of which could not be uploaded by the petitioner on the portal as the e-Vahan portal was inoperative/inactive on 29.03.2020, 30.03.2020 and 31.03.2020.”

Here, we are dealing with a case where the dealer has sold 10 vehicles to separate individuals, particulars whereof are mentioned in Annexure-12 page 129 of the writ petition.

After the matter was heard for some time, Sri Y.V.Giri, learned senior counsel, states that petitioner be allowed to approach the appropriate authority nominated for registration of the vehicle.

Shri Anil Kumar Singh, learned G.P.-26, states that if the petitioner places all materials showing the genuineness of transactions, the appropriate authority shall take a decision expeditiously in accordance with law and if the sales are held to be genuine, the vehicles would be registered.

Statement accepted and taken on record.

As such, we direct the petitioner to approach the authority i.e. District Transport Officer, Khagaria, as per particulars given by the learned counsel.

We expect the said authority to decide the application expeditiously preferably within a period of four weeks from the date of filing of the application along with a copy of this order, in accordance with law.

Liberty reserved to the petitioner to avail appropriate remedies, if need so arises.

Petition stands disposed of with the liberty aforesaid.

Interlocutory application, if any, stands disposed of.”

No objection to such prayer being allowed.

As mutually agreed, the instant petition stands disposed of in terms of judgment dated 07.10.2021 passed by

this Court in C.W.J.C. 5165 of 2021, titled as Khagaria Auto Agency Vs. The State of Bihar & Ors. (page 140) (Supra), and the directions contained therein shall also govern the instant case *mutatis mutandi* to the extent possible.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	