

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6423 of 2021

1. Subhash Prasad Yadav Son of Premadhar Ray, Resident of Village Hetanpur, P.O. - Madhopur, Khagaul, Danapur, Patna.
2. Gulab Yadav, Son of Late Jeevacch Yadav, Resident of Mohalla Surbey No. 684/29, Mithila Niwas, Adinath Nagar, Bhosari, Pune City, Pune, Maharashtra - 411039.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department Ministry of Road and Surface Transport, North Block, New Delhi - 110001
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Principal Secretary, Department of Transport, Government of Bihar, Patna.
5. The Secretary, Department of Transport, Government of Bihar, Patna.
6. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
7. The Deputy Secretary, Department of Transport, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi
For the Respondent/s : Mr.Dr. K. N. Singh (Asg)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(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.)

3 04-11-2022

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

“(i) Quashing of the part of order bearing Memo
No. 8536 dated 16.12.2020 (Annexure-1) issued by the



Secretary, Department of Transport, Government of Bihar, Patna to the extent it prohibits in the entire State of Bihar, the use of Trucks with 14 wheels or more for the purposes of lifting and transportation of Sand;

(ii) A declaration that there is no legal impediment in the use of the Trucks for transportation of Sand so long as the transportation is in terms of the permit issued by the Transport Department; and

(iii) Restraining the Respondent from giving effect to the impugned part of the order contained in Memo No. 8536 dated 16.12.2020 (Annexure-1) as impugned in the present writ petition during the pendency of the present Writ petition; and for any other relief or relief to which the petitioners is found entitled.”

In view of the judgment dated 25.04.2022, passed by this Court in CWJC No. 4310 of 2021, titled as **Bihar Truck Owner Association Vs. The State of Bihar & Ors.**, this petition has become infructuous.

As such, present petition stands disposed of as having become infructuous.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Ashwini

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