

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5341 of 2020

Abhay Kumar Mishra, aged about 54 years, Male, Son of Late Chandrama Mishra Resident of G1, Girjanandan Enclave, I A S Colony, Ramjaipal Path, Rupaspur, Bailey Road, P.S. Rupaspur, District Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Transport, Government of Bihar, Patna.
4. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
5. The Deputy Secretary, Department of Transport, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Gyan Prakash Ojha, GA 7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-10-2022

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

“(i) Quashing of the part of order bearing Memo No. 1415 dated 18.02.2020 (Annexure 1) issued by the Deputy Secretary, Department of Transport, Government of Bihar, Patna to the extent it prohibits in the entire state of Bihar, the use of Trucks with more than 14 wheels for the purposes transportation of Sand;

(ii) A declaration that the powers Under Section 115 of the Motor Vehicle Act, 1988 is not an independent source of legislation or policy making rather the scope of the power conferred to the State Government or any authorized agent is only protem in nature for a



transient period and solely for the purposes mentioned in the enabling provision;

(iii) 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

(iv) Restraining the Respondent from giving effect to the impugned part of the order contained in Memo No. 1415 dated 18.02.2020 (Annexure 1) as impugned in the present writ petition during the pendency of the present Writ petition.”

Shri Prabhat Ranjan, learned counsel for the petitioner, states that the present petition has become infructuous in view of the judgment passed in C.W.J.C. No. 7310 of 2021, titled as Bihar Truck Owner Association Vs. The State of Bihar through the Chief Secretary & Ors.

As such, petition is disposed of as having become infructuous.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/-
P. Kumar

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