

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4779 of 2020

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Abhishek Kumar Son of Late Ramji Singh Resident of Gorakshni Mohalla,
Ward No.4, Sasaram, District Rohtas.

... .. 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 Secreary, Department of Transport, Government of Bihar, Patna.
5. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
6. The Deputy Secretary, Department of Transport, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

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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 the following relief(s):-

- (i) Quashing of the part of order bearing Memo NO. 1415 dated 18.02.2020 (Annexure-2) 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 of lifting and transportation of sand;
- (ii) A declaration that there is no legal impediment

in the use of the Trucks for transpiration 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. 1415 dated 18.02.2020 (Annexure-2) 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 petitioner is found entitled.”

Learned counsel for the petitioner prays that the instant petition be disposed of exactly in the same terms as contained in judgment dated 25.04.2022 passed by this Court in C.WJ.C No. 4310 of 2021, titled as Bihar Truck Owner Association Vrs. The State of Bihar & Ors and other analogous cases .

No objection to such prayer being allowed.

As mutually agreed, the instant petition stands disposed of exactly in the same terms as contained in the judgment dated 25.04.2022 passed by this Court in C.WJ.C NO. 4310 of 2021, titled as Bihar Truck Owner Association Vrs. The State of Bihar & Ors and other analogous cases (Supra), and the directions contained therein shall also govern the instant case *mutatis mutandi* to the extent possible.

The part of order bearing Memo No. 1415 dated 18.02.2020 (Annexure-2) 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 of lifting and transportation of sand, stands quashed and set aside.

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	