

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6637 of 2022

Arsh Sahu Son of Niraj Sahu, Resident of Ratu Road Opposite Hanuman Mandir, P.S.-Ranchi, District-Ranchi, (State-Jharkhand) Owner of Arsh Travels, Ratu Road, Ranchi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Transport Government of Bihar, Patna.
3. The State Transport Commissioner, Government of Bihar, Patna.
4. The Secretary, State transport Authority, Government of Bihar, Patna.
5. The Principal Secretary, State of Jharkhand, Ranchi
6. The Joint Transport Commissioner, State of Jharkhand, Ranchi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Advocate Ms. Arti Kumari, Adv
For the State	:	Mr.Rohitabh Das, AC to AAG-10
For the State of Jharkhand	:	Mr. Dev Kumar Pandey, Adv

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (i) For direction upon the respondents to extend the period of the road tax of the vehicle (Bus) bearing Registration No. JH01D-9246 for the period 19.07.2021 to 18.10.2021 as for the period 19.04.2020 to 18.07.2020 or onward petitioner twice deposited the road tax of the Rs. 12746/- vide Receipt No. BR2101150568431 dated 12.01.2021 at 11.56 AM and again on the same day, same amount is deposited vide receipt no.

BRT2101120443843 at 07.43 PM which is due to technical failure of the internet.

- (ii) For issuance of writ of mandamus commanding the respondents to return the Bank draft amount of Rs. 51,000/- bearing draft no. 122751 dated 01.02.2019 and of Rs. 4500/- draft on 252636 dated 01.02.2019 which was deposited by the petitioner for issuance of Road permitted of the bus bearing its Registration No. JH01DE-9171 bus permit no. 95/05.02.2019 but the respondents have not issued permit.
- (iii) For issuance of writ of mandamus commanding the respondents to return the Bank draft amount of Rs. 51,000/- bearing draft no. 122752 dated 01.02.2019 and draft no. 252637 dated 01.02.2019 which were deposited by the petitioner for issuance of Road permit of the bus bearing its Registration No. JH01DF-9246 bus permit no. 92/05.02.2019 but the respondents have never issued bus permit.
- (iv) For the other reliefs for which petitioner is found entitle in the facts & circumstances of the case.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the respondent no.3, the State Transport Commissioner, Government of Bihar, Patna to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably

within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ranjan/- Sanjay

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA