

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16807 of 2021

=====

Rajiv Kumar Rai, S/o Sri Sudama Rai, Partner of M/s Pratik Automobiles,
Ramdev Nagar Siwan, Resident of - Road No. 2 Sandalpur Road, vikash
Nagar, P.S. - Alamganj, District – Patna. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Transport Department, Government of Bihar, Patna.
3. The Transport Commissioner, Transport Department Government of Bihar,
Patna.
4. The Collector, Siwan.
5. The District Transport Officer, Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vitesh Kumar Singh, Advocate
For the Respondent/s	:	Mr.Ajay Kumar Rastogi (Aag10)
		Mr. Rohitabh Das, AC to AAG 13

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- I- For quashing of the renewal of the Trade license dated 26.08.2021 of M/s Pratik Automobiles, Siwan, which was renewed by the District Transport Officer, Siwan without deciding the objections of the petitioner and illegally renewed the Trade license ignoring that the petitioner is the LOI holder of the company and as per Act renewal was made only on the application of the petitioner but the District Transport Officer even after objection of the petitioner an illegal manner renewed the Trade license of M/S Praik Automobiles Siwan.

- II- For directing the Respondent No.-2 Principal Secretary, Transport Department to initiate an enquiry against the D.T.O. Siwan, who involving the illegal registration of the vehicles and also involving the sale and purchase of the vehicle even after objection of the petitioner during suspension of the Trade license period, which is purely illegal and not sustainable in the eye of law.
- III- For directing the respondents to lodge FIR against the DTO Siwan and other officials, who indulged in illegal sale purchase of the vehicle and also directing the respondent for enquiry of misappropriation of the government revenue.
- IV- For granted any relief/reliefs for which the petitioner is entitled in the eye of law.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor

allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order expeditiously.

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take

recourse to such other remedies as are otherwise available in
accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and
all issues are left open;

(k) Liberty reserved to the petitioner to challenge the
order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2022
Transmission Date	NA