

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16951 of 2021

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Suresh Kumar S/o Late Baidyanath Prasad Resident of Mohalla- Gola Road,
Durga Asthan, Kali Kothi, Ward No. 18, Road No. 2, P.S.- Brahampur,
District- Muzaffarpur, Pin Code- 842001.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Bihar State Transport Corporation,
Government of Bihar, New Secretariat, Patna.
2. The Administrator, Bihar State Road Transport Corporation, Bihar, New
Secretariat, Patna.
3. The Additional Secretary Bihar State Transport Corporation, Patna.
4. The District Transport Officer, Muzaffarpur, District- Muzaffarpur.
5. Bacha Ray S/o Janak Dev Ray resident of Village- Bangara, Post- Dewariya,
District- Muzaffarpur.
6. Birendra Rai S/o Asharfi Rai resident of Village- Hanuman Nagar, Post-
Narha, Panapur, P.S.- Rajepur, District- East Champaran.
7. The State of Bihar through Principle Secretary, Transport Deptt., Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Anil Kumar Singh (GP 26)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
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 08-02-2022 Petitioner has prayed for following relief (s) : -

“(i) For issuance of writ in the nature of
certiorari for quashing the order dated 19.04.2021
passed in District Transport Officer, Muzaffarpur,
communicated to the petitioner vide Memo No.1207



dated 19.04.2021 by which he has cancelled the registration in the name of the petitioner against vehicle registration no.BR06GC 9444.

ii) For issuance of writ in the nature of command directing the respondent 1st set to cancel the registration of the name of respondent 3rd set with respect to vehicle in question bearing Registration No.BR06GC-9444 and also cancel his owner book issued in his name.

(iii) For issuance of writ in the nature of command directing the respondent 1st set to re-register the name of petitioner with respect to vehicle in question bearing Registration No. BR06GC-9444, Engine No. 503082461F84316157, Chasis No. MAT466429GHG10464 and also for direction to issued owner book in the name of petitioner.

(iv) For issuance of any other writ/writs, order/orders for which petitioner deemed entitled to.”

Shri Anil Kumar Singh, learned GP-26, states that the appellate authority, in terms of Rule-41 of the Bihar Motor Vehicle Rules, 1992, would be the District Magistrate of the concerned district.

Statement accepted and taken on record.

In view of the same, Shri Ranjan Kumar Dubey, learned counsel appearing for the petitioner, states that within four weeks, the petitioner shall prefer an appeal before the appellate authority.

Shri Singh, learned counsel for the respondents, states that if such an appeal is filed within the time stipulated above, limitation shall not be allowed to come in the way of its consideration and decision on merits since the petitioner has



been pursuing remedies before this Hon'ble Court.

We direct the appellate authority to positively consider and decide the appeal, as and when presented, within a period of three months thereafter.

Petitioner undertakes to fully cooperate and not take any unnecessary adjournment.

Order assigning reasons shall be supplied to the parties.

Liberty reserved to the petitioner to challenge the order to be passed in the appeal, should the need so arise subsequently.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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