

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3294 of 2023

Pratik Kumar Singh Son of Sri Praween Kumar Singh, Resident of Marvari High School Road, P.S. Town, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Secretary, Transport Department, Government of Bihar, Bishwashraiya Bhawan, Bailey Road, Patna.
4. The State Transport Authority, Bihar through its Secretary, Bishwashraiya Bhawan, Bailey Road, Patna.
5. The Secretary-cum-State Transport Commissioner, Department of Transport, Government of Bihar, Bishwashraiya Bhawan, Bailey Road, Patna.
6. The Regional Transport Authority, Darbhanga through its Secretary, Divisional Commissioners Compound, Darbhanga.
7. Bihar State Road Transport Corporation, through its Administrator/Secretary, Sultan Palace, Birchand Patel Path, Patna.
8. The Regional Manager, Bihar State Road Transport Corporation, Darbhanga.
9. The District Magistrate, Darbhanga.
10. The District Transport Officer, Darbhanga.
11. The Senior Superintendent of Police, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey, Adv.
For the BSRTC	:	Mr P. K. Verma, Sr. Adv. With Mr. Dr. Anand Kumar, Adv.
For the State	:	Mr. Ravi Ranjan, AC to SC-22

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 23-03-2023

1. Heard the parties.

2. The petitioner, by way of this writ petition, has
prayed as under:-

“1. That this is an application



for issuance of an appropriate writ/writs, order/orders or direction/ directions, particularly in the nature of writ of Mandamus, commanding and directing the respondents to dispose of the representation dated 16.01.2023 send through registered post by the petitioner before the concerned respondent authorities praying therein to immediately stop the illegal operation of the bus of the Bihar State Road Transport Corporation (B.S.R.T.C. in short) on the route Darbhanga to Saharsa and Kusheshwar Asthan, ahead to the petitioner's service which have been illegally operating the bus continuously without any permit, putting great loss to the valid permit holder like the petitioner and also put loss to the government exchequer, because the petitioner had filed application before the respondents concerned including the State Transport Commissioner, Transport Department, Bihar, Patna, who did not take any action to stop the illegal operation of buses as mentioned in letter no. 23 dated 06.01.2022 issued by Regional Manager, B.S.R.T.C., Darbhanga addressed to Joint Commissioner-cum-Secretary, R.T.A., Darbhanga; And/or passed such other order or orders as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that appeal only lies against a particular order to the State or



Regional Transport Appellate Tribunal.

4. However, this Court finds that, as per Section 90 of the Motor Vehicles Act, 1988, the State Transport Appellate Tribunal may, on an application made to it, call for the record of any case, to which an order has been made by the State Transport Authority or Regional Transport Authority, against which no appeal lies and, if it appears to the State Transport Appellate Tribunal that the order passed by the State Transport Authority or Regional Transport Authority is improper and illegal, the tribunal may pass such orders as it deems fit.

5. The grievance raised by the petitioner is that the permit was given to the respondent Bihar State Road Transport Corporation for plying 24 Buses on the route from 14.01.2021 to 14.03.2021. The same was never extended.

6. However, it is an admitted position that the renewal amount was already deposited with the R.T.O. by the Bihar State Road Transport Corporation. Question arises whether the said depositing would also require a separate renewal for State Transport Corporation and whether it can, in any manner, be a ground to disallow the State run Buses to ply on the said route. The Tribunal has an ample jurisdiction to examine these aspects.

7. Granting liberty to the petitioner to approach the



concerned Tribunal, who will adjudicate upon the issue, the writ
petition is disposed of.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 27

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