

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16985 of 2022

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Madhu Jha Wife of Shyam Sundar Jha, Resident of Mohalla - Prabhu Thakur,
Ward No. 08, Rosera, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Darbhanga.
2. The Regional Transport Authority, Darbhanga through its Secretary.
3. The Divisional Commissioner cum Chairman, Regional Transport Authority, Darbhanga.
4. The Joint Divisional Commissioner-cum-Secretary, Regional Transport Authority, Darbhanga.
5. The Collector, Samastipur.
6. The Sub Divisional Officer, Rosera, Samastipur.
7. Circle Officer, Hasanpur, Samastipur.
8. Sri Girdhari Yadav, Son of Sri Krishna Mohan Yadav, Resident of Village - Jahangirpur, P.O. - Lagina, Police Station - Singhia, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chitanjan Sinha, Sr. Advocate Mr. Ranjit Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Mukul Prasad, A.C. to G.P.18 Mr. Sarbottam Kumar Sirkar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 24-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant application for the
following relief(s):

*“That this is an application for issuance
of a writ in the nature of certiorari to quash the
decision of the Regional Transport Authority,
Darbhanga, so far proceeding No. 2 dated
24.09.2022 is concerned, communicated vide Memo*



No.622 dated 28.09.2022 of the respondent No.03 and also the notification no. 624 dated 28.09.2022 issued by the Respondent No. 04 in the light of the decision dated 24.09.2022 by which Auto Rickshaw and E-Rickshaw stand has been allotted to the Respondent No. 08 and further for issuance of a writ in the nature of mandamus and/or any other writ, order or direction commanding upon the respondents not to allot/operate any auto rickshaw/e- rickshaw stand within one Kilometre of the Bus Stand allotted to the petitioner.”

It is the case of the petitioner that pursuant to the notification contained in Memo no.236 dated 22.4.2022 (Annexure-3), parwana contained in Memo no.1022 dated 8.8.2022 (Annexure-4) was issued in favour of the petitioner for running the bus stand in question.

Learned counsel for the petitioner submits that he subsequently heard a rumour to the effect that an auto rickshaw/e-rickshaw stand has been allotted to the respondent no.8 near his bus stand. Accordingly, the petitioner filed an application under the Right to Information Act and as per information received, contained in Annexures-5 and 6 to the writ application, it transpired that within one kilometer from where the petitioner was running his bus stand, contrary to the Rules, the auto rickshaw/e-rickshaw stand had been permitted to



be run by the respondent no.8. Thus, the instant writ application.

A counter affidavit was filed on behalf of the respondents.

Having heard learned counsel for the parties and having perused the material on record, it transpires that the settlement in favour of the respondent no.8 was pursuant to notification no.624 dated 28.9.2022 (Annexure-6). On perusal of the same, it transpires that the period of the said settlement is for the financial year 2022-23 on reserve jama of Rs.1,35,000/.

It is submitted by learned counsel appearing for the petitioner that he has been served with a counter affidavit filed on behalf of respondent nos.1 to 7 and sworn by the S.D.O., Rosera, Samastipur wherein in paragraph no.11 it has been stated that the tempo stand of the respondent no.8 has been stopped to run after 31.3.2023 by the Circle Officer, Hasanpur as the owner of the tempo stand has not given any petition for renewal for 2023-24, neither any reserve deposit for the tempo stand has been given by him nor was there any approval of the concerned Authority.

Learned counsel for the State-respondent submits that both the electronic as also physical copy of the original counter affidavit has been filed.



In view of the statement made in the counter affidavit and specially paragraph no.11 thereof, learned counsel for the petitioner does not wish to press the instant writ application, however, submits that the petitioner has serious apprehensions that soon after disposal of the instant writ application, the State authorities may proceed to take similar steps as was taken by them in the orders impugned herein.

In view of the above, the writ application stands disposed of.

It goes without saying that in case the respondent authorities proceed to settle the tempo stand etc. in violation of any Rules etc. the petitioner will always have liberty to challenge the same afresh in accordance with law.

(Partha Sarthy, J)

Saurabh/-

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