

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12004 of 2021

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Bihar Motor Transport Federation through Ravi Bhushan Sharma, male, aged about 48 year, son of Bivishan Sharma, resident of Pursottampur, Parkhotinpur, P.S. Muzaffarpur, District Muzaffarpur, Organizational Secretary, Regd. No. 147 (82-82) Narsingh Market, P.S.-Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Transport, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Secretary, Department of Transport, Government of Bihar, Patna.
4. The Joint Secretary, Government of Bihar, Patna.
5. The Administrator, BSRTC Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv.
For BSRTC	:	Mr. P.K. Verma, Sr. Adv.
	:	Mr. Sanjay Kumar Ghosarvey, Adv.
For the Respondent/s	:	Mr. Naman Nayak, AC to AAG13

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 04-09-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

reliefs:-

“A. Issuance of an appropriate order/direction/writ preferably in the nature of mandamus commanding the respondent authorities to not treat both categories of bus service providers with differently, wherein while one is allowed to commute within the city and the other i.e. the private buses service providers have been ordered to shift at the new bus stand premises, at the outskirts of the city, thereby affecting their business;

B. Any other relief/reliefs for which, the Petitioner are entitled to in the facts and circumstances of the case.”



3. It is the case of the petitioner that the Patna Bus Stand was initially situated at Mithapur and the same was shifted to newly built Inter-State Bus Terminal (ISBT) at Bairiya, Patliputra.

4. Learned counsel for the petitioner has stated that the authorities on one hand are not allowing the private bus operators from operating at the Bus Stand situated at Mithapur and on the other hand they are allowing the buses belonging to the Bihar State Road Transport Corporation (BSRTC) to operate from the Mithapur Bus Stand. That due to the disparity shown by the authorities, the members of the petitioner's association who are bus operators are being put to huge financial loss. Further, it is stated that the commuters are also facing great difficulty as they have to travel to Bairiya, Patliputra for boarding the buses. That the act of the Respondent-State in giving relaxation to the buses belonging to the BSRTC and allowing them to operate from Patna city and forcing the buses belonging to the petitioner's association to operate from ISBT at Bairiya, Patliputra only is opposed to the principles of natural justice, equity and also Article 14 of the Constitution of India. That though the petitioners have given several representations to the Transport Authority to do away with this disparity, the authorities have turned a blind eye to the grievance of the petitioners. Learned counsel has therefore, prayed



this Hon'ble Court to allow the present writ petition and permit the petitioners to operate from the Bus Stand situated at Mithapur.

5. *Per contra*, the learned counsel for the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the present writ petition filed by the so called federation is not maintainable. That the petitioner has not furnished the list of the members of its federation nor furnished the details of the buses plying under the said federation. Learned counsel has stated that the federation has no right in itself and if any, individual owner of the buses have any grievance, they have to file the CWJC and not the federation. Learned counsel has stated that the Government with a view to reduce the pollution, traffic jams in the city of Patna and also provide good amenities to the commuters have decided to shift the Bus Stand to ISBT at Bairiya, Patliputra. That the said decision was taken in the year 2015 and most of the private operators have already shifted to the ISBT at Bairiya, Patliputra. and plying their buses from the said Bus Stand. In the counter-affidavit, it is specifically stated that with a view to reduce the pollution and congestion of traffic in the city of Patna, the authorities have taken decision to shift the private bus stand which are being operated from Mithapur to the newly constructed ISBT at Bairiya, Patliputra. That the operation



of the buses by the BSRTC will also be shifted to the new facility once the basic facilities like establishing the head office, the regional office etc. are provided at ISBT Bairiya, Patliputra. That unless and until the basic infrastructure for the parking of the buses, ticket booking counter, maintenance, repairing space for buses are allotted and provided at new facility for the BSRTC, the buses will operate temporarily within the city of Patna Municipality. That there is a plan for shifting the BSRTC from Bankipur Bus Stand, Gandhi Maidan to the ISBT at Bairiya, Patliputra. That the present writ petition filed by the petitioner is misconceived and no relief can be granted in favour of the petitioner.

6. Admittedly, as seen from the record, the petitioner has not furnished any details of the bus operators who are members of the federation nor furnished the details of the buses operating under its federation. The petitioner has not placed any material on record to show that the members of the federation have been discriminated against. The decision to shift the Bus Stand from Mithapur to ISBT at Bairiya, Patliputra are all policy decisions taken by the State depending on the administrative contingencies. The petitioner cannot seek parity with the buses being run by the BSRTC which is admittedly an instrumentality of the State. It is



not a case where the petitioner has been denied the permits for running the buses on a particular route and same being given to the buses of BSRTC. Further, as seen from the counter-affidavit, the authorities have taken a specific stand that they are going to shift the operation of the buses to ISBT at Bairiya, Patliputra as soon as the basic facilities are provided. In Para 13 of the counter-affidavit filed by the respondent No. 5, the stand of the Respondents is as under;

“13. That it may be relevant to submit that Bankipore stand is not only bus stand but there is huge establishment of the Corporation viz workshop, repairing centre, Deisel pump station, Electric Charging station, washing ramp, Tyre section, store room, Rest house for bus drivers/conductors, waiting room for travellers. Apart from there are other basic amenities/facilities are there for keeping buses and other components of buses therefore unless all these facilities are available the Corporation can not ply it's buses likewise private bus operators”

7. And also Para 17 of the counter-affidavit filed by the respondent No. 5, reads as under;

“17. That it is further stated that the Bihar State Road Transport Corporation has also made efforts requesting the Collector cum Chairman. Patliputra Bus Terminal, to earmark parking area for BSRTC buses Room and space in a Block Executive Committee for establishing controlled and operation units, accounts section, terminal shade and booking counter and to 5 acres land to establish parking way for 300 buses of the BSRTC washing pits, Diesel, CNG pump of stations and electric Charing stations tyre battery



repairs facilities, rest room for driver conductor and other basic infrastructure so as to ply the bus fleet of the BSRTC from ISBT Patliputra Bus Stand, but it is yet to be provided.”

8. Further, it is to be noted that the metro work are being undertaken at various places in Patna and lots of construction activity is being undertaken, if the buses belonging to the petitioner’s federation are also allowed to be operated, the same will not only result in more traffic jam but lead to more pollution and chaos in the city of Patna. Having due regard to the stand taken by the authorities in this counter-affidavit that they are going to shift the operation of the buses to ISBT at Bairiya, Patliputra as soon as the basic facilities are provided, this Court does not find any merit in the present CWJC which warrants the granting of the relief sought for by the petitioner.

9. The present writ petition is accordingly, dismissed.

(A. Abhishek Reddy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024.
Transmission Date	NA

