IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8785 of 2022

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Pratik Kumar Singh Son of Sri Praween Kumar Singh Resident of Marwari School Road, Darbhanga, P.S.-Town (Darbhanga), District-Darbhanga.

... ... Petitioner/s

Versus

1. The State of Bihar through the Secreary, Department of Transport, Government of Bihar, Patna, Office Situated at Biseshwaraiya Bhawan, Baily Road, Patna.
2. State Transport Commissioner, Transport Department, Government of Bihar, Patna. Office Situated at Biseshwaraiya Bhawan, Baily Road, Patna.
3. The District Transport Officer, Darbhanga.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate
For the Respondent/s : Mr.Sarvesh Kumar (GP24)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-06-2024

The petitioner in the above writ petition seeks refund of the excess tax paid by the petitioner and 'his family members' as indicated in a list produced along with Annexure-1. The petitioner's contention is that though a notification granting exemption was granted, the District Transport Officer, Darbhanga, realized the entire tax and penalty for the period from 01.04.2020 to 31.03.2021, when there was a lockdown for reason of the Covid pandemic.

2. A counter affidavit has been filed by the State

specifically noticing that considering the pandemic situation the Government had decided to give a relaxation of 40 per cent in the tax payable between 30.06.2021 to 06.01.2021. There was also a complete relaxation from road tax for the period between 06.07.2020 to 06.09.2020. However, there was some delay in implementation of the said concession due to a glitch in the computer system. Those who had paid the tax during such period were given adjustment in the future periods is a specific contention. The chart with the details of such adjustments made for the future period is also produced as Annexure-C to the counter affidavit.

3. We cannot but notice that the petitioner does not have the *locus standi* to raise the question of refund as applicable to 'his family members'. Even with respect to his own claim there is nothing produced to show the payment of tax for the period specified in the list produced alongwith Annexure-1. Annexure-1 as is noticed above shows the name of others also in whose name possibly the vehicles are registered. There is not even any substantiation of the fact of the vehicles being registered in the name of the various individuals.

4. The writ petition, we find to be not maintainable for reason of misjoinder of cause of action; as regarding the claims

raised with respect to ‘his family members’ and the prayers being misconceived and not sustainable for reason of no evidence having been produced to substantiate the essential facts.

5. The writ petition is hence dismissed leaving the parties to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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