

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18104 of 2023

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1. Raunak Kumar Pandey Son of Anil Pandey, Resident of Village-Dumra, P.O. Dumra, P.S.-Kotwa, District-East Champaran at Motihari.
 2. Chandra Bala Devi, Wife of Anil Kumar Pandey, resident of Mohalla-Ward No. 6 Shiv Mandir, P.S.-Machhar Ganwan, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Transport, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Transport, Govt. of Bihar, Patna.
3. The State Transport Commissioner, Govt. of Bihar, Patna.
4. That District Transport Officer, Muzaffarpur.
5. The District Mines Officer, Saran at Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Akhileshwar Singh, AC to G A (2
For Mines	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2024 Learned counsel for the petitioners prays for and is allowed to implead the District Transport Officer, Saran as party respondent no.6 in course of the day.

2. Heard the parties.

3. *That this is an application for issuance of a writ in the nature of mandamus commanding and directing the respondent authorities to remove the Vehicle bearing registration no. BR 06 GB 5147 from the list of Restricted vehicle online portal of District Transport office, Muzaffarpur*



and allowed the petitioners to deposit the registration fee and other charges so that he may legally ply his vehicle in accordance with the rules and and further the petitioner prays for issuance of such other order or direction for which he may be found legally entitled to in the facts and circumstances of the case as stated herein under.

4. The facts of the case is that Awatar Nagar P.S. Case No. 251/21 was registered under section 379/411 of the Indian Penal Code and section 11/41 of the Bihar Mineral concession Prevention Mining Transportation and Storage Rule, 2019 and 56 Amendment Rule, 2021 and M.M.D.R. Act which resulted into the Truck coming under the list of restricted vehicle in the *online* portal of the District Transport Officer, Muzaffarpur.

5 From the writ petition, it can be seen that the Driver of the aforesaid truck collided with a motorcycle causing immediate death of its rider whereafter, the police party were also attacked. Later, the petitioner came to know that a fine of Rs. 86,500/- has been imposed by the office of District Transport Officer, Saran (Annexure-4/A) and since payment has not been made, his vehicle has been blacklisted in the *online* portal.

6. Learned counsel for the petitioner submits that he



is a business man and blocking of his Truck on the portal is affecting the business and in that background, he is ready to pay the amount of Rs. 86,500/-.

7. Since, the learned counsel for the petitioner undertakes to make payment of Rs. 86,500/-, in case, the same is done and payment is made within four weeks, the DTO, Saran at Chapra shall ensure that his Truck (as incorporated in para-1) goes out of the restricted list.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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