

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1070 of 2020

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1. Sunita Devi @ Sunita Kumari W/o- Late Dravin Kumar Chaudhary Resident of Rani Sarai, P.S.- Bakhtiyarpur, District- Patna.
 2. Rajesh Kumar S/o Tanik Prasad Singh Resident of Defence Colony, Quarter No. 59, P.S.- Kankarbag, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary Transport Department, Govt. of Bihar, Patna.
3. The Secretary Transport Department, Govt. of Bihar, Patna.
4. The Joint Secretary-cum- Secretary Regional Transport Authority, Patna Division, Patna.
5. The Commissioner Patna Division, Patna.
6. The District Magistrate Patna.
7. The Traffic Superintendent of Police Govt. of Bihar, Patna.
8. The District Transport Authority Patna.
9. The Motor Vehicle Inspector Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Siya Ram Sahi Shally Kumari, Advocates
For the Respondent/s	:	M/s P.K.Shahi, Advocate General Anjani Kumar, AAG 4 Alok Kumar Rahi, AC to AAG 4 Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
CAV JUDGMENT
Date : 26-11-2024

1. The Writ petition is filed for quashing the notification issued vide Memo No. 8145 dated 06.11.2019 (Annexure-3) under the signature of the Secretary, Transport Department, Government of Bihar whereby in exercise of power under Section 115 of



Motor Vehicle Act, 1988 in the interest of public safety and convenience, all the commercial vehicles more than 15 years old have been restrained to ply in the area of Patna Municipal Corporation, Danapur Nagar Parishad, Khagaul Nagar Parishad and Phulwarisharif Nagar Parishad. Further, commanding the respondents not to give effect the notification dated 16.11.2019, because the same is in the teeth of Section 59 of the Motor Vehicle Act, 1988 which give such power to Central Government to fix the age limit of motor vehicle.

2. The brief facts of the case is that the petitioners are the owners of different transport vehicles, for which they hold valid permits and they are plying the said vehicles within the Patna Municipal Area. They are aggrieved by the impugned notification dated 06.11.2019 (Annexure-3) issued under the signature of the Secretary, Transport Department, Government of Bihar by which, it has been directed that in the interest of public safety and convenience all the commercial



vehicles more than 15 years old have been restrained to ply in the area of Patna Municipal Corporation, Danapur Nagar Parishad, Khagaul Nagar Parishad and Phulwarisharif Nagar Parishad.

3. It is submitted by Learned counsel for the petitioners that the notification dated 06.11.2019 is illegal and without jurisdiction. The power to fix the age of the vehicle lies with the Central Government under Section 59 of the Motor Vehicle Act, 1988 and the Transport Department has no jurisdiction to issue any notification fixing the age of the vehicle.

4. Learned counsel for the petitioners draws attention of this Court on Section 115 of the Motor Vehicle Act which reads as follows:

“115. Power to restrict the use of vehicles. - The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may, by notification in the



Official Gazette, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class or description of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 116 at suitable places:

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary, but such local publicity as the circumstances may permit, shall be given of such prohibition or restriction.”

5. Learned counsel for the petitioners also draws attention of this Court on Section 59 of the Motor Vehicle Act which reads as follows:

“59. Power to fix the age limit of



motor vehicle.—(1) *The Central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirements of this Act and the rules made thereunder:*

Provided that the Central Government may specify different ages for different classes or different types of motor vehicles.

(2) *Notwithstanding anything contained in sub-section (1), the Central Government may, having regard to the purpose of a motor vehicle, such as, display or use for the purposes of a demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by notification in the Official Gazette, exempt, by a general or special order, subject to such conditions as may be specified in such notification, any class or type of motor vehicle from the*



operation of sub-section (1) for the purpose to be stated in the notification.

(3) Notwithstanding anything contained in section 56, no prescribed authority or authorised testing station shall grant a certificate of fitness to a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).

6. It is submitted by Learned counsel for the petitioners that from perusal of the aforesaid Sections of the M.V.Act, the notification contained in Annexure-3 is in the teeth of Section 59 of the Act. The power to fix the age of vehicles lies with the Central Government not to the State Government.

7. Counter affidavit was filed by respondent Nos. 2 to 4. It is averred in the counter affidavit that pollution level in the city of Patna has increased above the danger level causing serious threat to public health, public safety. The Transport Department, Government of Bihar vide letter No. 890 dated 30.01.2019 had sent



an action plan for control of air pollution in non-attainment city of Bihar to the Environment, Forest and Climate Change Department, Govt. of Bihar in light of the report submitted by the Bihar State Pollution Control Board. It is further averred that Bihar State Pollution Control Board vide letters dated 01.03.2019 and 15.03.2019 have directed for the implementation of the work plan for air pollution control in the cities of Patna, Muzaffarpur and Gaya as the said plan has been approved by the Central Pollution Control Board, Delhi. It is further averred that a meeting of Air Quality Monitoring Committee constituted in light of order passed by the National Green Tribunal in OA No. 681 of 2018 was conducted on 22.05.2019 and necessary direction were issued in this regard. Thereafter, the chairman, Bihar State Pollution Control Board issued an advisory under section 17 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 to the State Govt. dated-09.09.2019, where in it has been held that the Transport Department, Govt. of Bihar should



consider approaching the Hon'ble High Court, Patna for issuing orders for restriction on plying and phasing out of 15 years old commercial diesel, driven vehicles in the urban agglomeration of Patna (Patna Municipal Corporation area, Phulwari Sharif, Danapur Nizamat Danapur cantonment, Khagaul), Muzaffarpur & Gaya in the 1st stage, so as to enable the State to exercise powers under section 5 of the Environment (Protection) Act, 1986 delegated to it vide notification no. so.-152 (E), dated-10.02.1988, issued by Central Government. Accordingly by the State Government had conducted a meeting on 04.11.2019 under the chairmanship of the Chief Minister, Bihar and necessary guidelines were issued to the concerned authorities.

8. It is further averred that the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change has informed the Member Secretary, Bihar State Pollution Control Board regarding the Baseline Survey of Non-Attainment cities under National Clean Air Programme (NCAP) vide



letter dated- 13.01.2020 and has requested to submit the filled in questionnaire to the said Ministry. The action plan has been prepared for prevention and control of air pollution in the aforesaid cities and the Bihar State Pollution Control Board vide letter no. 419 dated 25.01.2020 has requested the Transport Department to provide information/data in the said format so that it is submitted to the Ministry of Environment, Forest and Climate Change, Govt. of India. It is further averred that the Transport Department Vide letter no. 1342 dated- 14.02.2020 has directed the District Transport Officer of Patna, Muzaffarpur and Gaya that their cities have been listed in the list of 102 non-attainment cities of the country.

9. It is further contended on behalf of the respondents that in view of the aforesaid provisions contained under Section-115 of the Motor Vehicle Act- 1988 and in the interest of public safety and convenience, movement of all the commercial vehicles which are more than 15 years old and commercial



vehicles which cause more pollution and emit gasses and P.M (Particulate Matter) 2.5, have been prohibited vide memo no. 8145 dated- 06.11.2019 (Annexure-3) with immediate effect, within the Patna Municipal Corporation, Danapur Nagar Parishad, Khagaul Nagar Parishad and Phulwari Sharif Nagar Parishad area and it has been further directed to erect suitable traffic signals on important places under the provisions of the section-116 of the Motor Vehicle Act-1988 to let the persons affected in this regard in view of the aforesaid restriction imposed vide memo no. 8145 dated- 06.11.2019.

10. It is further contended on behalf of the respondents that the Transport Department has passed the aforesaid order in the interest of public health, public safety and convenience and in accordance with section-115 of the Motor Vehicle Act-1988 which is tenable in the eyes of law and in this regard the Hon'ble High Court has also passed catena of judgments for taking needful action, so that the pollution level in the



city of Patna is reduced and prayed to dismiss Writ petition as it is devoid of any merits.

11. Various supplementary counter affidavits are filed in the present case. A supplementary counter affidavit was also filed, sworn by Secretary, Transport Department, Government of Bihar. The supplementary counter affidavit is also more or less in the stands taken in the counter affidavit. It is averred in the supplementary counter affidavit that in the meeting of Air Quality Monitoring Committee held on 05.07.2021, a conscious decision was taken to (i) to impose a complete ban on plying of 15 years old commercial vehicles and (ii) to impose complete ban on diesel driven auto-rickshaws in the phased manner in the three non-attainment cities of the State of Bihar. Pursuant to that Bihar State Pollution Control Board by its order dated 26.07.2021 has issued directions under Section 5 of the Environment Protection Act, 1986 to the Secretary, Transport Department, Government of Bihar, wherein it was held "*Whereas serious concerns have*



been expressed in the last four decades about the need of restore the standards of the air quality as per the standards prescribed under Section-16(2)(h) of Air (Prevention & Control of Pollution) Act-1981, (Air Act-1981) vide notification dated-18-11-2009 by the Central Pollution Control Board (CPCB). Now therefore, in order to implement 'City specific Clean Air Action Plan' and to implement the conscious decision taken by AQMC in the meeting dated-05-07-2021, in exercise of power under Section-5 of the Environment (Protection) Act-1986, the Transport Department, Government of Bihar is hereby directed to:- (i) Impose a complete ban on plying of 15 years old commercial vehicles in the cities of Patna, Gaya and Muzaffarpur, (ii) Impose complete ban on diesel driven auto- rickshaws in phased manner in the cities of Patna, Gaya and Muzaffarpur."

12. It is further contended that in view of the provisions contained under section-115 of the Motor Vehicle Act-1988 and in the interest of public safety and



convenience, movement of all the commercial vehicles which are more than 15 years old and comparatively create more pollution and emit gasses and P.M. (Particulate Matter) 2.5, have been prohibited vide memo no.-8145, dated-06-11 2019 (Annexure-3) with immediate effect, within the Patna Municipal Corporation, Danapur Nagar Parishad, Khagaul Nagar Parishad and Phulwari Sharif Nagar Parishad area.

13. The order dated-25-11-2008 passed in C.W.J.C. No.-7000 of 2008 and order dated-24- 08- 2016 passed in the C.W.J.C. No.-9228 of 2016 are brought on record by the petitioners as Annexure 4 series. It is submitted on behalf of the respondents that the said orders are not applicable in the present case as the Hon'ble Court has set aside the order passed by the Regional Transport Authority with regard to fixing of the time limit for the life of the vehicles, in view of the provision under section- 59 of the Motor Vehicle Act- 1988 in which the power to specify the life of the vehicle from the date of its manufacture has been



conferred upon the Central Government. It is further submitted that by virtue of Notification No. 8145 dated-06.11.2019 the State Government have in no way exercised powers vested in Central Government u/s- 59 of Motor Vehicle Act, 1988, to restrict the age of vehicles, as claimed by the petitioner and the State Government have only restricted the use of these vehicles endangering public safety and public convenience within urban area of State Capital considering the pollution parameters at the time of such decision. It is contended that in the interest of public safety and public convenience and in view of order dated-08-10-2018 passed in the matter of O.A. No.-681 of 2018 by the Hon'ble National Green Tribunal, New Delhi and several directions issued by the State Pollution Control Board and the State Government, the Transport Department, Government of Bihar has issued notification vide memo no.-8145, dated-06-11-2019 is justified in the eyes of law.

14. A reply to the supplementary counter



affidavit was filed by the petitioners. The writ petitioners contended that a Division Bench of this Court, vide order dated 20.09.2022 passed in this writ application, has been pleased to pass the following order:

“The sole issue, which arises for consideration is as to whether the State Government is empowered to issue the order dated 06.11.2019 (Annexure 3, Page 31), in terms of and under the provisions of Section 115 of the Motor Vehicles Act, 1988 or not?

It is argued that such power is vested only with the Central Government in terms of Section 59 thereof.

Let the Principal Secretary, Transport, Government of Bihar, Patna file his personal affidavit dealing with the issue.

Needful be done within six weeks.

We may only remind the officer of the earlier orders passed by this Court, which stands annexed as Annexure 4 series.”

15. Learned counsel for the petitioners submits that respondent Nos. 2 to 4 have reiterated



earlier version of counter affidavit in this supplementary counter affidavit and nothing new stand has been taken in the supplementary counter affidavit. It is further contended that from perusal of Section 115 of the Motor Vehicle Act, it is evident that it is for completely different aspect of the matter and has nothing to do with the life of the vehicle. The restriction as referred in Section 115 of the Act is with regard to the circumstances in which the power or restriction could be exercised. The power to fix the age of vehicle lies under Section 59 of the Act.

16. Another counter affidavit was filed on behalf of the respondent Nos. 2 to 4. It is submitted that in 2nd reply, the petitioner have raised question with respect to power of the State Government under Section 59 of the M.V. Act. In this regard it is stated that the State Government have no powers vested under Section 59 of the M.V. Act to fix the age limit of any class of vehicle and the sole power of fixing age limit for all category of vehicles are vested in Central Government



only under Section 59 of the M.V.Act and, accordingly, the State Government have not exercised any power under Section 59 of the M.V. Act to prohibit operation of commercial vehicle in Patna Municipal area, Khagaul, Danapur and Phulwarisharif.

17. Again in para 8 of the counter affidavit dated 22.6.2023, the respondents have reiterated the version of Notification No. 8145 dated 06.11.2019, which is under challenge, and submitted that such restrictions have been imposed in exercise of powers vested in the State Government under Section 115 of the M.V. Act keeping in view of public safety.

18. It is further submitted in the counter affidavit that the necessity for imposing such restrictions by the State Government were in the light of order dated 28.07.1998 passed by Hon'ble Supreme Court of India in **M.C.Mehta Vs. Union of India** in **Writ Petition(s) Civil No. 13029 of 1985** to restrict the plying of commercial vehicles which were 15 years old. It is further submitted that the limited restrictions imposed



by the State Government in larger public interest and keeping in view the public safety, especially long standing judicial pronouncements of Hon'ble Supreme Court in **M.C. Mehta** (supra).

19. Again a voluminous supplementary counter affidavit dated 08.07.2023 was filed on behalf of respondent Nos. 2 to 4. In the supplementary counter affidavit more or less stands taken in the earlier counter affidavits and supplementary counter affidavits have been reiterated by the respondents. It is submitted in paragraph no. 5 of the counter affidavit that the Hon'ble Apex Court in its order dated 29.10.2018 (Annexure-A) in **Writ Petition (s) (Civil) No.(s). 13029 of 1985 (M.C.Mehta Vs. Union of India)** has directed that the Transport Department of NCR will immediately announce that all the diesel vehicles more than 10 years old and petrol vehicles more than 15 years old shall not ply in NCR in terms of the order of the National Green Tribunal dated 07.04.2015.

20. In the supplementary counter affidavit,



respondents have also quoted Section 23 and Section 5 of the Environment (Protection) Act, 1986 in support of their case.

21. A second supplementary counter affidavit was also filed on behalf of the respondent Nos. 2 to 4 in compliance of the order dated 8.9.2023 passed in this case in which Court has pleased to observe as follows:
“Learned counsel for the respondents shall get necessary instructions as to whether the Chief Secretary or any other official deputed on his behalf has appeared in person before the National Green Tribunal in compliance of order dated 16.01.2019”. It is stated that the Chief Secretary, Bihar was present on 15.03.2019 before the National Green Tribunal in O.A. No. 606 of 2018 in light of order dated 16.01.2019 (Annexure-B) and the National Green Tribunal has passed various directions. It is further stated that the Chief Secretary, Bihar again appeared on 04.05.2023 before the aforesaid Tribunal. A copy of order dated 04.05.2023 and 08.04.2021 passed by National Green



Tribunal have been brought on record by way of Annexure-D and E respectively.

22. A counter affidavit dated 13.05.2024 was also filed. In the counter affidavit more or less stands taken in the earlier counter affidavits and supplementary counter affidavits have been reiterated by the respondents.

23. A supplementary counter affidavit dated 18.7.2024 was filed on behalf of the respondents pursuant to queries raised by the Court in course of hearing on 12.07.2024 regarding the definition of “commercial vehicle”. It is submitted that the vehicles which are used for transportation of public for hire or reward may be defined as commercial vehicles or public service vehicles. The "public service vehicle" has been defined under para-2 (35) of the Motor Vehicles Act, 1988 as follows:

"public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a maxi cab,



a motorcab, contract carriage, and stage carriage”.

24. It is further submitted that the word “commercial vehicles” has clearly been mentioned under Section 21(A) of the Bihar Motor Vehicle Taxation Act, 1994. It is contended that the provisions/ definition made under the M.V. Act, 1988 and Bihar Motor Vehicle Taxation Act, 1994 that the word “commercial vehicles” used in the impugned order issued vide memo no. 8145 dated 06.11.2019 is justified in the eye of law.

25. Heard the rival contentions of the Learned counsel for the petitioners as well as the Learned counsel for the Respondents.

26. In support of its contention, Learned counsel for the respondents placed reliance on the decisions of this Court as well as other High Court in **Bihar Truck Owner Association Vs. The State of Bihar & ors.** and other analogous cases reported in **2022 SCC Online Pat 907** and **Zakir Hussain Yusufali & Ors Vs. State of Maharashtra & Anr** reported in



AIR 2001 Bom 21.

27. In the case of **Bihar Truck Owner Association (supra)** their Lordships have held in Paragraph Nos. 31, 34 and 75 are as follows:

31. The State Government traces the source of such power under Section 115 of the Act which reads as under:—

“115. Power to restrict the use of vehicles.- The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification in the Official Gazette, prohibit or restrict, subject to such exceptions and conditions as may be specified in notification, the driving of motor vehicles or of any specified class or description of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction



is imposed, shall cause appropriate traffic signs to be placed or erected under section 116 at suitable places:

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary, but such local publicity as the circumstances may permit, shall be given of such prohibition or restriction.”

34. Section 115 enables the State Government upon its satisfaction and necessity arising out of public safety and convenience of plying of the vehicle on any road or bridge. The power to prohibit or restrict, subject to such exception and condition, is with regarding (a) driving of a motor vehicle; (b) of any specified class; or description; (c) use of trailer; (d) in any specified area or specified road.

75. Elaborating further, Section 115 enables the State Government upon its satisfaction and necessity arising out of



interest of public safety and convenience of plying of the vehicle on any road or bridge. The power to prohibit or restrict, subject to such exception and conditions, is regarding-(a) driving of a motor vehicle; (b) of any specified class; (c) description; (d) use of trailer; (e) in any specified area or specified road. The power to restrict and prohibit, in our considered view, is specific only to a motor vehicle, be it of whatever description, but not goods carried by such vehicle. That power rests only with the State Government/Regional Transport Authority issuing the permit for carriage of goods. The Transport Authority, a creation of the Statute, is an authority independent of the State. Hence, in our considered view, the impugned action is totally contrary to the law and is not sustainable in law.

28. In the case of **Zakir Hussain Yusufali & Ors (supra)** their Lordships have held in paragraph Nos. 19 and 20 as follows:

19. *The impugned Notification, in*



our opinion, cannot be declared mala fide merely because the Collector did not invite objections by issuing proclamation before issuing the impugned Notification in question. The contention of the learned counsel for the petitioners, in this regard, cannot be accepted firstly on the ground that there is no such requirement under section 115 of the Act. The only requirement under section 115 of the Act is whether there is a requisite material or circumstances exist before the Competent Authority to reach the necessary satisfaction in order to issue prohibitory order in the interest of public safety or convenience. In the instant case, undoubtedly there were 44 complaints received by the Collector in respect of the 3 roads in question as well as the report of the Superintendent of Police. In the circumstances of the case, therefore, it cannot be said that there was no material available before the Collector to reach the necessary satisfaction contemplated under section 115 of the Act. On the other hand, the action of respondent No. 2, in view of the facts and circumstances of the present case,



appears to be bona fide and is as per the scheme of the section 115 of the Act. It will be to far fetched to hold that as the Division Bench of this Court set aside the earlier Notification, the Collector this time has acted with mala fide intention and issued the impugned Notification. In the circumstances, therefore, the contention of the petitioners in respect of mala fides cannot be accepted and must fail.

20. The perusal of the Judgment of the Division Bench in W.P. No. 4139/1999 would show that the impugned Notification in the said writ petition so quashed and set aside, was on the ground that there was no material whatsoever before the Collector then which could warrant exercise of power contemplated under section 115 of the Act. It was, therefore, held that the satisfaction which was reached by the Collector, cannot be sustained since the same was based on non existing norms. In the instant case, for the reasons stated hereinabove, the situation is otherwise. There are as many as 44 complaints received by the Collector as well as the report of the Superintendent of Police.



It is, therefore, undoubtedly clear that this is not a case where the power is exercised by the Collector without any material on record in this regard. The Competent Authority is the best Judge of the situation and circumstances and is expected to exercise the power under section 115 of the Act in the interest of public safety or convenience etc. The jurisdiction of the Court, in such situation, can be extended only to find out whether there was material available before the Competent Authority in order to reach the requisite satisfaction contemplated under section 115 of the Act for issuing prohibitory order or Notification. In our opinion, jurisdiction cannot be extended to find out adequacy or inadequacy of the material which warrants such exercise by the Competent Authority, which should to be left to the Competent Authority to act in the situation as per the Scheme of the section. In the circumstances, therefore, the contention of the petitioners that the impugned Notification suffers from non-application of mind, cannot be accepted and must fail”

29. On perusal of judgments of High Courts,



it is evident that their Lordships have categorically held that the competent authority is the best to judge the situation and the circumstances and it is expected to exercise its power under Section 115 of the Act in the interest of public safety and other convenience. Section 115 of the Act, exercises such power and raised upon the satisfaction of the competent authority accounting public safety and convenience to issue directions for the moment of the vehicle, with restriction and or provision on the specified area or road.

30. Though it is contended in the counter that the impugned order is based on AQMC dated 5.7.2021 that cannot be taken into consideration, because the impugned order is much prior to the Air Quality Monitoring Committee order dated 05.07.2021. However, there is sufficient material on record. Since 2019 the Air pollution level in the District of Patna, Muzaffarpur and Gaya has increased / and it is the duty of the Government to take care about the safety of the public for the good health. Every citizen of India has a



right to live with good health. The Writ petition is filed in the year 2020. At present also we can see air pollution level is high at Patna and other districts of Bihar. Keeping in mind, the health and safety of the public at large, this Court is not inclined to quash the notification No. 8145 dated 06.11.2019 issued by the Secretary, Transport Department, Government of Bihar. As stated Supra, there is sufficient material before the Court to reveal that the pollution levels at Patna, Muzaffarpur and Gaya are very high, inspite of non plying of commercial vehicles in the city since the date of the impugned notification dated 6.11.2019.

31. Recently Hon'ble Supreme Court, in the matter of air pollution, in catena of decisions have given many directions.

32. In **M.C.Mehta (Suspra)** the Hon'ble Supreme Court has observed the following:

“The constitutional obligation of the Central Government and the State Governments is to ensure that the citizens live



in a pollution-free atmosphere. Therefore, in addition to the actions proposed under Stages III and IV of the GRAP, all possible actions shall be taken at the level of the State Governments to ensure that the AQI is brought down.”

33. Section 115 of the Act gives power to the State Government to restrict the use of vehicles. However, Section 59 of the M.V. Act gives power to the Central Government to fix the age limit of motor vehicles and both are distinct.

34. The National Green Tribunal vide order dated 16.01.2019 gave directions to the Chief Secretaries/Administrators of all States and Union Territories to review progress in the issues of pollution and hold meeting within a month and pursuant to it, the Chief Secretaries have monitored the matters, the status report of compliance and immediate future plan was presented before the Tribunal and wherein the State of Bihar was directed to submit report before the National Green Tribunal on



15.3.2019. Accordingly, the Chief Secretary, Bihar, appeared before the National Green Tribunal on 15.09.2019 in O.A. No. 606 of 2018, in light of order dated 16.01.2019 (Annexure-B) and the National Green Tribunal issued various directions. In compliance of order of National Green Tribunal dated 15.3.2019, the impugned order came into force. Therefore this Court finds no irregularity in the order passed vide Memo No. 8145 dated 06.11.2019 (Annexure-3) by the Secretary, Transport Department, Government of Bihar, keeping in mind the public health and safety of people of Bihar.

35. Accordingly, this Writ petition is dismissed as it is devoid of merits.

36. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	31.08.2024
Uploading Date	20.12.2024
Transmission Date	NA

