

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17321 of 2016

Uttar Bihar Maxi Taxi Welfare Owner Association Son of Sri Sital Rai
Resident of village - Dighikhurd, P.S. Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Transport Dept. Govt. of Bihar, Patna
2. The Divisional Commissioner Tirhut Division Cum Chairman, Regional Transport Authority, Muzaffarpur
3. The Joint Commissioner Cum Secretary, Regional Transport Authority, Muzaffarpur
4. The District Magistrate, Vaishali
5. The District Transport officer, Vaishali
6. The Sub - Divisional officer, Mahua, Distt. Vaishali
7. The Circle officer, Mahua, Vaishali
8. The Superintendent of Police, Vaishali
9. The S.H.O., Mahua Police Station, Distt. Vaishali
10. Manoj Kumar Rai Son of Shiv Dayal Singh resident of village - Ramrai, Mahua, P.S. Mahua, Distt. Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar
For the Respondent/s	:	Mr.Anil Kumar Singh-GP-26
	:	Mr.Navendu Kumar

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-01-2025

1. The Writ petition is filed for issuance of:-

(i.) a direction to the respondent concerned to inquire into legal collection of parking charge at Mahua Bus Stand by the settle/Land holder from the owner/Drivers of passenger carrying



vehicle under threat and coercion settle (Respondent No. 10) realise parking charge Rs. 20/- to 70/- and issue receipt of Rs. 7/- only and it has been done in collusion with local police and administration.

(ii.) Further, direction to the respondent concern to develop civic amenities such drinking water, toilet etc. at Mahua bus stand and until and unless the same is not developed collection of charge may be stopped.

2. The brief facts culled out of the writ petition are that the petitioner is the Chairman of the Uttar Bihar Maxi-Taxi Welfare Owners Association at Mahua, Nagar Panchayat. There was no permanent bus stand, so the District Administration decided to create/establish a bus stand at Mahua. Although Government land was available, it was decided to establish the bus stand on *raiya* land. For the selection of land for the bus stand, applications were invited via notice dated 26.04.2016. Several persons applied for it, but it was settled in favor of Respondent No. 10 on 09.05.2016. Further, the contents of the writ petition disclose that Respondent No. 10 has given his



land for the bus stand, and is maintaining it by providing necessary amenities. The Chairman of this Association made several representations to the authorities. The matter was also highlighted by the print media and electronic media, but no action has been taken. Being aggrieved by the establishment of the bus stand on the land of Respondent No. 10 , the petitioner filed the present writ petition with the above-mentioned prayer for the removal of the bus stand and for shifting it to any other government land.

3. The counter affidavit was filed by Respondent No. 5 in the year 2019, denying all the allegations made in the writ petition. It is submitted by Respondent No. 5 that the District Administration should inquire into the matter, as it is a serious allegation.

4. Further, 5th respondent has filed a counter affidavit on 04.07.2024, which discloses that the writ petition is not maintainable either by law or on facts. The District Magistrate, vide Memo No. 1644 dated 25.06.2016, in compliance with the order dated



09.05.2016 passed by the Joint Commissioner-cum-Secretary, Regional Transport Authority, Muzaffarpur, directed Respondent No. 10 to immediately stop the illegal realization of parking charges which were collected by Respondent No. 10, in whose favor an agreement dated 25.06.2016 was executed between the Collector Vaishali and Respondent No. 10. The agreement included a condition to maintain and develop civic amenities like drinking water and toilets at Mahua Bus Stand.

5. In terms of the agreement dated 25.06.2016, the Respondent No. 4/Collector Vaishali, at Hajipur directed Respondent No. 10 to realize parking charges at a reasonable rate at Mahua Bus Stand. Further, in terms of letter No. 721 dated 20.05.2016, from the Joint Commissioner-cum-Secretary, Regional Transport Authority Muzaffarpur, an agreement was executed on 25.06.2016 between the Collector Vaishali at Hajipur and Respondent No. 10 regarding the operation of the Mahua Bus Stand on the private land of Respondent No. 10, measuring an area of Khatiyani 50.5 decimals, Rakva 49.5



decimals, Khata No. 29, Khesra No. 335. The proposed bus stand, until its existence, shall remain in the possession of the Government of Bihar. Respondent No. 10, within fifteen days of the execution of the agreement, shall construct a boundary wall at the bus stand at his own cost. Respondent No. 10 is also directed to maintain the minimum basic amenities, such as drinking water, electricity, and lighting. Seventy percent (70%) of the income from the bus stand shall be deposited in the State Treasury, on the 1st of every month and on 16th on a working day; failing which, the District Magistrate shall have the right to cancel the agreement. Therefore, prayed to dismiss the writ petition, as it is misconceived and devoid of merit.

6. A detailed counter affidavit was also filed by Respondent No. 10, denying all the allegations made in the writ petition. It is specifically contended in the counter affidavit that any complaint regarding the bus stand has to be reported to the District Magistrate of the concerned district, and in case of any adverse report against the



licensee, the concerned Regional Transport Authority has to take action upon the report in view of the provisions of the Motor Vehicles Act, 1988, as well as the Bihar Motor Vehicles Rules, 1992. It is contended that the North Bihar Regional Transport Authority (for the sake of brevity NBRTA), Muzaffarpur, is the competent authority, which was not made a party to the writ petition.

7. The counter affidavit further disclose that, vide order dated 18.09.2013, passed by the NBRTA, the license of the Mahua bus stand, which was in favor of one Daya Nand Singh, was cancelled, and the District Magistrate, Vaishali, was directed to make alternative arrangements for the Mahua bus stand. A Public Interest Litigation, i.e., **CWJC No. 2520 of 2016 (Asha Singh & Anr. vs. The State of Bihar & Ors.)**, was filed before the Hon'ble High Court, and the issue of settlement of the bus stand was monitored for the ease, comfort, safety, and security of the general public. The District Magistrate, Vaishali, invited proposals through an open invitation in a Hindi daily newspaper on 30.04.2016 for establishing a bus stand at



Mahua. Respondent No. 10 offered his *raiya* land for establishing the bus stand as provided under Section 117 of the Motor Vehicles Act, 1988, and Rule 191 of the Bihar Motor Vehicles Rules, 1992. After due process, Respondent No. 10 was selected for this purpose, as his land was found to be the most suitable among ten proposals, and the decision was taken on 09.05.2016, in the meeting of the NBRTA, Muzaffarpur, on the recommendation of the Collector-cum-District Magistrate, Vaishali. Prior to establishing the bus stand, Respondent No. 10 gave an undertaking that civic amenities, such as drinking water and toilets would be developed at Mahua bus stand, which has been done and is being maintained. Sahdeo Rai (petitioner) has not only made complaints before the Hon'ble High Court but also filed several complaints at different forums, including Mahua PS. In one of the police inquiries/investigations, the police found that Sahdeo Rai (petitioner) was also interested in establishing the bus stand at Mahua. Sahdeo Rai (petitioner) and his business associates were operating



buses through or from Mahua, but their buses are not entered in the Mahua bus stand instead their buses halt in the market area of Mahua. Respondent No. 10 insisted that the buses are to ply from the Mahua bus stand by paying the charges. Non-payment of bus stand charges and plying the buses from the market were the issues, for which several complaints against Respondent No. 10 were made.

8. It is further contended in the counter affidavit that the license of Daya Nand Singh was cancelled as he caused a huge revenue loss to the government exchequer, and Respondent No. 10 was given the license to run the bus stand and maintain other amenities.

9. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

10. On perusal of the record, it is evident that the petitioner has not challenged the invitation or the advertisement issued to different persons for the bus stand. The writ petition is maintainable only when the fundamental rights of the citizens of India are infringed or violated, or if the Principles of Natural Justice are



violated. If at all the writ petitioner has any grievance against Respondent No. 10, he must approach the appropriate forum for resolving the civil disputes between them. This Court is not the appropriate forum to decide civil litigation or any other dispute between the petitioner and Respondent No. 10. Furthermore, this Court finds that there is no error or irregularity in granting the license in favor of Respondent No. 10.

11. In result, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2025
Transmission Date	

