IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No. 4428 of 2019

Ravi Kumar Verma, aged about 35 years, S/o Shyam Sunder Prasad, R/o Sanskriti Public School, Krishnapuri Colony, Chas, P.O. & P.S.-Chas, District-Bokaro, Jharkhand. ... Petitioner

Versus

1. The State of Jharkhand.
2. The Chief Secretary, State of Jharkhand, Project Building, P.O. & P.S.-Dhurwa, District-Ranchi, Jharkhand.
3. The Secretary, Department of Transport, Govt. of Jharkhand, P.O. & P.S.-Doranda, District-Ranchi, Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: None
For the Respondents: Mr Vibhor Mayank, A.C. to A.G.

07/Dated: 05.11.2026

1. None for the petitioner.

2. Mr Vibhor Mayank, learned A.C. to A.G. appears on behalf of the respondents.

3. The petitioner, in purported public interest, has filed this petition seeking following reliefs:-

> "*(A) For the direction upon the respondents especially respondents no. 2 & 3 as to why provision of Motor Vehicle Act 1988 has not been implemented, as the thousands of Govt. vehicles running on road either has no number plate or, no insurance and every day the govt. vehicles hits the citizens & the vehicles causing fatal accidents, peoples are dying, but no insurance cover is there on these vehicles.*
>
> *(B) For the direction upon the respondents to explain before this Hon'ble Court, the date on which they are going to insure all the govt. vehicles running on the road, similarly to that of the private vehicles.*
>
> *(C) For the direction upon the respondents to stop playing the govt. vehicles on road, till the moment, their*

insurance is not done, as these vehicles are "death traps" for citizens, and in any case playing of these vehicles on road is against public interest & also direction may be given to fix the liability in case these vehicles hit the vehicles/citizens."

4. Mr Sanjay Kumar Sinha, Under Secretary, Transport Department, Government of Jharkhand has filed a counter affidavit on 06.01.2021. In the counter affidavit, it is denied that any Government vehicles are plying on roads without any number plate.

5. Therefore, this petition, in effect, seeks a direction upon the respondents to ensure all Government vehicles running on the roads same as the private vehicles that are required to be insured while plying on roads.

6. In the counter affidavit filed on behalf of the respondents, reliance is placed on Section 146 of the Motor Vehicles Act, 1988 (the said Act) which is concerned with "necessity for insurance against third party risks". The affidavit refers to Section 146(2) of the said Act and submits that vehicles owned by the Central Government or State Government and used for Government purposes unconnected with any commercial enterprise are not required to be insured against 3rd party risk as provided under Section 146(1) of the said Act.

7. Section 146 of the Motor Vehicles Act reads as follows: -

"146. Necessity for insurance against third party risk*s. - (1) No person shall use, except as a passenger, or cause or allow any other person to use, a motor vehicle in a public place, unless there is in force, in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter:*

Provided that in the case of a vehicle carrying, or meant to carry, dangerous or hazardous goods, there

shall also be a policy of insurance under the Public Liability Insurance Act, 1991 (6 of 1991).

Explanation. - For the purposes of this sub-section, a person driving a motor vehicle merely as a paid employee, while there is in relation to the use of the vehicle no such policy in force as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force.

(2) The provisions of sub-section (1) shall not apply to any vehicle owned by the Central Government or a State Government and used for purposes not connected with any commercial enterprise.

(3) The appropriate Government may, by order, exempt from the operation of sub-section (1), any vehicle owned by any of the following authorities, namely: -

(a) the Central Government or a State Government, if the vehicle is used for purposes connected with any commercial enterprise;

(b) any local authority;

(c) any State Transport Undertaking:

Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in such manner as may be prescribed by appropriate Government.

Explanation. - For the purposes of this sub-section, "appropriate Government" means the Central Government or a State Government, as the case may be, and –

(i) in relation to any corporation or company owned by the Central Government or any State Government, means the Central Government or that State Government;

(ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government;

(iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that undertaking or authority."

8. Section 146(1) provides that no person shall use, except as a passenger, or cause or allow any other person to use, a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or any other person, as the case may be, a policy of insurance complying with the requirements of Chapter-XI of the said Act. However, Section 146(2) provides that sub-section (1) of Section 146 shall not apply to any vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise.

9. Therefore, considering the aforesaid provisions of Section 146 of the said Act, it would not be proper for this Court to issue any writ of mandamus or any direction upon the respondents to ensure that all Government vehicles running on the road are duly insured for 3rd party risks.

10. By accepting the statements in the counter affidavit and in view of the provisions of Section 146(2) of the said Act, we dispose of this petition without any order for costs.

11. Pending Interlocutory Applications, if any, do not survive and are disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

November 05, 2026

N.A.F.R.

APK/VK

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