

(2011) 08 JH CK 0133

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4492 of 2008

Subodh Kumar Roy

APPELLANT

Vs

State of Jharkhand and State Transport Authority

RESPONDENT

Date of Decision : 23-08-2011

Acts Referred:

Citation : (2011) 08 JH CK 0133

Hon'ble Judges : Poonam Srivastava, J

Bench : Single Bench

Judgement

Poonam Srivastav, J.—Heard counsel for the petitioner.

2. Despite time having been granted to the State, no counter affidavit has been filed.

3. The instant writ petition is preferred for issuance of an order or direction for permitting the petitioner to ply his vehicle within the State of Bihar since he is a nominee of the said state. The second prayer is for quashing the letter dated 04.07.2007 (Annexure-4 to the writ petition) issued by Respondent No. 3 refusing to countersign on the petitioner's inter State permit for the route Bhagalpur to Mohanpur More, being permit No. P.St.P. 547/97. The ground for refusal is that the petitioner failed to deposit taxes for the period commencing from 15.11.2000.

4. The submission of the petitioner is that since he is a nominee of State of Bihar, he is not liable to pay any taxes to the State of Jharkhand and only countersignature on the permit is required. Since the petitioner holds a permanent permit, he was allowed to ply his vehicle on the route Bhagalpur to Mohanpur More being Bus No. BRV6131 and the same was valid up till 2003, but after the constitution of the State of Jharkhand, the route is now Inter State. A countersignature by the State of Jharkhand is necessary on the permit to enable the vehicle to enter within the bounds of State of Jharkhand. The petitioner was directed by the State Transport Authority, Bihar, to replace his old bus and he has

duly complied with the order, after obtaining No Objection Certificate from the Bihar Transport Officer. The petitioner's permit was renewed for a period of five years commencing from 13.03.2003 to 12.03.2008. The order impugned in the instant writ petition is dated 04.07.2007 passed by the Joint Transport Commissioner, Jharkhand. Counsel for the petitioner submits that despite the permit was valid till the year 2008, he was stopped from plying the vehicle at the relevant time, the writ petition was instituted, but on account of its pendency, he continues to face financial loss till date.

5. Next submission is that he has moved a representation before the concerned authority, Respondent No. 2, but the same has not been disposed of till today. However, the representation has not been brought on record in the instant writ petition.

6. In the facts and circumstances, I am of the view that no fruitful result can be gained by keeping the writ petition pending. I dispose of the writ petition with a direction that the petitioner shall move a fresh representation before the concerned authorities of the Respondent No. 2 and raise all the objections and apprise him of the legal aspects. In the event such a representation is made on behalf of the petitioner, along with a certified copy of this order, the Respondent No. 2 shall decide the objections/representation on merit after giving an opportunity of hearing to the petitioner in accordance with law, within a period of four weeks from the date representation along with a certified copy of this order is produced before him.

7. With the aforesaid observation, this writ petition stands disposed of.