

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20249 of 2012

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Kanishk Sinha, son of Si Bimal Bihari Sinha, resident of C/o Smt. Chaitali Sinha, 98A, Khajpura, Akashwani Road, P.O. – B.V. College, P.S. – Shastri Nagar, Patna- 800 014, District – Patna Sadar, Bihar

.... Petitioner

Versus

1. The Union of India, service through the Under Secretary to the Government of India; Ministry of Road Transport and Highways, Government of India, Transport Bhavan, 1- Parliament Street, New Delhi- 110 001
2. The State of Bihar, service through The Principal Secretary to the Government of Bihar, Department of Transport, Government of Bihar, Vikash Bhavan, Patna- 800 001

.... Respondents

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Appearance :

For the Petitioner : Mr. Kanishk Sinha (In person)

For the State : Mr. Priyank Deepak, AC to SC-19

For the Union of India : Mr. N. A. Samshi, ASG with Mr. P.L. Jaiswal

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 31-10-2012 Heard the petitioner in person as also the counsel for the State and the Union.

2. Petitioner has invented an Auto Rickshaw, which he wishes to ply on the roads in the State on commercial basis.

3. It is submitted by the petitioner that for plying the Auto Rickshaw on the roads in the State on commercial basis, he requires No Objection Certificate from the Government of Bihar and the Authority vested with the jurisdiction to grant such No Objection Certificate, according to the petitioner, is the Principal Secretary to the Government of Bihar, Department of Transport.

4. Let petitioner approach the Principal Secretary,



Department of Transport, Government of Bihar, Patna with the details of the inventions made by him whereafter the Principal Secretary shall consider the request of the petitioner for grant of No Objection Certificate in the light of the provisions contained in Rule 126 of the Central Motor Vehicle Rules, 1989 within a reasonable time, in any case within two months from the date of receipt of the request by the Principal Secretary, Department of Transport, Government of Bihar, Patna.

5. It is made clear that if the Principal Secretary has delegated his authority to consider the grant of No Objection Certificate to any of his subordinates then such subordinate should consider the request of the petitioner for grant of No Objection Certificate within the same time.

6. The writ petition is, accordingly, disposed of.

(V.N. Sinha, J)

Arjun/-