

28

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (C) No. 1913 of 2007

Petitioner		S. N. Dubey, Aged about 35 years, S/o Shri G. S. Dubey, R/o Qtr No. 23/D, Stret No.5, Sector II, Bhilai, District Durg (C.G.).
	Versus	
Respondents	1.	State of Chhattisgarh, Through the Secretary, Regional Transport Authority, Raipur (C.G.)
	2.	Regional Transport Authority, Chhattisgarh, Raipur.
	3.	State Transport Appellate Tribunal, Chhattisgarh, Raipur.
	4.	Ku. Guneshwari Sahu, D/o Shri A. R. Sahu, R/o MIG-1/157, Hudco, Bhilainagar, Distt. Durg (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Anand Kumar Tiwari, Advocate for the petitioner.

Shri Utkarsh Verma, Deputy Government Advocate for the respondent
No.1.

ORDER

(Passed on this 30th day of March, 2007)

1. Learned counsel appearing for the petitioner, submits that the State Transport Appellate Tribunal (STAT), while considering the appeal filed by he respondent No.4, vide impugned order dated 9.1.2007, in Appeal No. 76/2006, held that the regular stage carriage permit on the route 'Durg to Raipur' i.e. the subject matter, was granted without hearing all the concerned parties.
2. In view of that the S.T.A.T. remitted back the matter to the Regional Transport Authority (RTA), Raipur after passing a direction that the regular permit be issued to the respondent No.4. It appears that the S.T.A.T. itself has decided the case and remitting back the matter to the R.T.A. is a mere formality for granting regular permit, as the same cannot be done by the S.T.A.T. Pursuant to the order dated

729

9.1.2007 passed by the S.T.A.T. the R.T.A. has passed the order dated 25.1.2007.

3. Learned counsel appearing for the petitioner submits that the ends of justice would be sub served if the R.T.A. is directed to consider the application of the respondent No.4 in accordance with law, ignoring the direction of the S.T.A.T. for grant of regular stage carriage permit. The submission of the petitioner is just and proper and merits acceptance.
4. Shri Utkarsh Verma, learned counsel appearing for the respondent No.1 agrees with the submission made by learned counsel for the petitioner.
5. In view of the above, the petition is allowed to the extent that the observations and directions made by the S.T.A.T. for deciding the application and granting regular stage carriage permit is set aside. Consequently, the order dated 25.1.2007 passed by the R.T.A. pursuant to the order dated 9.1.2007, passed by the S.T.A.T. is set aside. It is directed that the application of the respondent No.4 shall be considered afresh, on its own merits, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

Thakur

Sd/-
Satish K. Agnihotri
Judge