

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

W.P. (C) No. 1028 of 2013

PETITIONER

:— Siddarth Transport Through its proprietor Vinit Kumar Singh, aged about 25 years, S/o Shri Fauzdar Singh, Bus Operator, R/o Bus Stand Namnakala, Ambikapur P.S. City Kotwali, Distt. Surguja (C.G.)

VERSUS

RESPONDENTS

1. Regional Transport Authority, Surguja, Ambikapur (C.G.)
2. Additional Transport Commissioner, Chhattisgarh Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA





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PETITIONER

Siddarth Transport

Versus

RESPONDENTS

Regional Transport Authority & another

(Writ Petition under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri S. Dhar, Advocate for the petitioner.
Shri Adil Minhaz, Panel Lawyer for the State.

ORDER

(Delivered on 31st day of July, 2013)

Heard learned counsel for the parties.

1. By this petition the petitioner seeks quashing of the order dated 27.05.2013 (Annexure P-1) passed by the Regional Transport Authority, Surguja, Ambikapur, whereby the application made by the petitioner for grant of permit was rejected.
2. Learned counsel appearing for the petitioner submits that initially the petitioner had applied for grant of regular permit on 21.01.2013 (Annexure P-2) on the route of Bilaspur to Dhanwar via Katghora, Chotia, Ambikapur, Wadrafnagar. When the said application was not considered within the stipulated time the petitioner approached this Court by filing a writ petition, being W.P. (C) No. 493/2013. The said writ petition was disposed of by this Court by order dated 12.04.2013 (Annexure P-3) on the submission made by the learned counsel for the State that the case of the petitioner will be considered & decided within a period of two weeks.
3. According to the learned counsel appearing for the petitioner, the respondent authorities without considering the case of the petitioner in its true perspective vide order dated 27.05.2013, rejected the application of the petitioner on the basis of letter dated 23.6.2007 (Annexure - P/4) issued by the respondent No.2, on the ground that the route of Raigarh to Dhanwar, Ambikapur to Dhanwar, Korba to Dhanwar & Manendragarh to



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Dhanwar, permit to be curtailed and the same may be granted upto Wadrafnagar only.

4. The contention of the petitioner is that on the one hand the respondent authorities rejected the application of the petitioner and on the other hand permission was renewed for a period of 5 years on the same route in favour of one Abhay Gupta vide permit No. 2105-B/2005, on the route of Korba to Dhanwar (Annexure P-5) in an illegal and arbitrary manner. Thus, this petition.
5. The instant writ petition has been filed by the petitioner without impleading Abhay Gupta as a necessary party/respondent and in absence of Abhay Gupta it is not proper to consider the legality and validity of the permit granted in his favour. Even otherwise, it is for the Government to look into that no transporter should misuse the permit especially in respect of intra-state permit, by taking the same to other State without permit.
6. The letter dated 23.6.2007 (Annexure – P/4 pp. 15 & 16) issued by the respondent No.2/Additional Transport Commissioner, was on the information received that if the transporter is granted permit up to Dhanwar, which is not a big town, but a small village for which normally no passenger is available, the transporters without permit, take the bus to the State of Uttar Pradesh. Village Dhanwar is a remote village. The transporter had been misusing the intra-state permit granted up to Dhanwar and, as such, it was directed not to grant permit up to Dhanwar but upto Wadrafnagar only.
7. The instruction of the respondent No.2, as aforesaid, is in public interest. Thus, rejection of the application of the petitioner for grant of permit from Bilaspur to Dhanwar is just & proper, warranting no interference of this Court.
8. As an upshot, the writ petition, *sans substratum* is liable to be and is hereby dismissed at the motion stage itself.

Ans

Sd/-
Satish K. Agnihotri
Judge