

GAHC010116552024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3059/2024

VIJAY MOHAN DAS GIDWANI
SON OF LATE MOHANDAS HASSOMAL GIDWANI, RESIDENT OF HOUSE
NO. 12, 1ST BYELANE, MADHABDEVPUR, REHABARI, P.O. REHABARI, P.S.
PALTANBAZAR, KAMRUP METRO, ASSAM, PIN- 781008

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, TRANSPORT DEPARTMENT, DISPUR, GUWAHATI-6

2:THE REGIONAL TRANSPORT AUTHORITY
REPRESENTED BY THE DISTRICT TRANSPORT OFFICER AND SECRETARY
KAMRUP
METRO
BETKUCHI
GUWAHATI-40

3:DISTRICT TRANSPORT OFFICER AND SECRETARY
REGIONAL TRANSPORT AUTHORITY
KAMRUP
METRO
BETKUCHI
GUWAHATI-40

4:DISTRICT TRANSPORT OFFICER (DTO)
KAMRUP
METRO
BETKUCHI
GUWAHATI-40

5:SRI HIMANGSHU KUMAR DAS

DISTRICT TRANSPORT OFFICER
KAMRUP
METRO
BETKUCHI
GUWAHATI-4

Advocate for the Petitioner : MR. A SARMAH

Advocate for the Respondent : SC, TRANSPORT DEPARTMENT, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

19.06.2024

Heard Mr. A Sarmah, learned counsel for the petitioner. Also heard Ms. M.D. Borah, learned Standing Counsel, Transport and Mr. P. Mahanta, learned counsel for the respondent No. 5.

This writ petition has been filed by the petitioner put into challenge the seizure of the City Bus which is owned by the writ petitioner for alleged violation of the terms of the permit.

The learned counsel for the respondent has placed before the Court an order dated 14.06.2024 passed in W.P.(C) No. 3039/2024 submitted that a similar writ petition has been dismissed by the Co-ordinate Bench giving liberty to file an appeal before the Grievance Redressal System Portal opened by the Ministry of Road Transport Department and Highways. She submits that this writ petitioner is similarly placed and therefore the similar order be passed in the present writ petition.

The learned counsel for the petitioner although initially submitted that his grievance is with regard to the powers exercised by the DTO by issuing challan. He however fairly submits that there is an alternative remedy and the grievances

raised in W.P.(C) No. 3039/2024 and the present writ petition are similar.

Accordingly, this writ petition stands disposed of without commenting on the merits of the case relegating the writ petitioner file an statutory appeal stated to be available before the Grievance Redressal System Portal opened by the Ministry of Road Transport Department and Highways. The appeal be filed within the prescribed period if any and in the event, the appeal is filed, the authorities concerned will pass a reasoned order and disposing of the appeal within particular period of time.

Accordingly, the writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant