

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1291 of 2015

- Sudhir Singh S/o Shri Mata Bux Singh Aged About 35 Years R/o Near Old Bus Stand Implipara, Gali No. 2, Bilaspur, Tahsil And District- Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. Regional Transport Authority Bilaspur, District- Bilaspur (Chhattisgarh)
2. Shahnawaj Khan S/o Mohd. Ismile Khan R/o Implipara, Bilaspur (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Ajay Shrivastava, Advocate
For Respondent /State	Mr. Shashank Thakur, Government Advocate
For Respondent No.2	Mr. Santosh Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/11/2015

Heard finally with the consent of learned counsel for the parties.

(2) Respondent No. 2 had moved an application for grant of regular stage carriage permit on the route Bilaspur to Kawardha via Takhatpur, Mungeli, Pandaria with one return trip daily. The application was rejected by the Regional Transport Authority, Bilaspur on 22.11.2014. Against the said order, respondent No.2 preferred an appeal before the State Transport Appellate Tribunal, Chhattisgarh. The said STAT has allowed the appeal and remitted back the matter to the RTA, Bilaspur for fresh consideration.

(3) In this petition, the petitioner, who is an existing operator on the route, has urged that the impugned order has been passed without impleading him, even though he had raised objection before the RTA, Bilaspur, which had considered the application of respondent No.2.

(4) It has also been argued by Mr. Shrivastava, learned counsel for the petitioner, that the time proposed by respondent No. 2 for plying the bus on the said route is 10 minutes earlier than the time on which, the petitioner is plying his vehicle. Moreover, the vehicle proposed to be used by respondent No.2 is having sitting capacity of 30, therefore, in view of the provisions contained in Section 70-A of the Motor Vehicle Rules (as amended), respondent No.2 is not entitled to obtain any permit, because, for such regular stage carriage permit, the proposed vehicle has to have the sitting capacity of more than 30.

(5) At this stage, Mr. Gupta, learned counsel for respondent No.2, would submit that respondent No. 2 has another vehicle which has got sitting capacity of more than 30, therefore, he may be permitted to move a fresh application for regular stage carriage permit.

(6) In view of the above, the impugned order is set-aside. However, it will be open for respondent No.2 to move a fresh application for grant of regular stage carriage permit for the subject route in accordance with law by proposing to use a vehicle having sitting capacity of more than 30.

(7) Accordingly, the writ petition is allowed to the extent indicated above.

Sd/-

Judge

(Prashant Kumar Mishra)