

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1312 of 2015

Yashwant Singh Thakur S/o Shri R.S. Thakur Aged About 40 Years R/o
Radhakrishna Ward Kabirdham, District Kawardha Chhattisgarh

---- Petitioner

Versus

1. Regional Transport Authority Raipur, Chhattisgarh District Raipur
Chhattisgarh
2. Secretary Regional Transport Authority Raipur Chhattisgarh Rawan Bhatha
(R.T.O.) Raipur District Raipur Chhattisgarh

---- Respondent

And

WPC No.1310 Of 2015

Bhagwati Prasad Tiwari S/o L.P. Tiwari Aged About 50 Years R/o Sakti
District Janjgir Champa Chhattisgarh

---- Petitioner

Vs

1. Regional Transport Authority Bilaspur Chhattisgarh District Bilaspur
Chhattisgarh
2. Secretary Regional Transport Authority Raipur Chhattisgarh Rawan, Bhatha
(R.T.O.) Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Petitioner	:	Shri S. K. Bajpai, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Order On Board

17/09/2015

This common order shall govern disposal of aforestated two writ petitions.

2. Petitioner in aforestated two writ petitions are challenging the order passed by the Regional Transport Authority, Bilaspur rejecting application for grant of regular stage carriage permit on the route Kawardha to Rengakhar and Kirari to Korba.
3. Learned counsel for the respective petitioner would raise a very short issue to

the effect that rejection of application for grant of stage carriage permit without giving opportunity of hearing as envisaged under Section 80(2) of the Motor Vehicles Act, 1988 (For short “the Act”) has vitiated the impugned order.

4. Learned State counsel would submit that the petitioner having moved an application, he was aware of all the shortcomings in his application, therefore, the same has rightly been rejected.

5. In W.P.C.No.99 of 2014, this Court has held that when the law required that opportunity of hearing is required to be afforded before rejection of application for grant of regular stage carriage permit, it was obligatory on the part of the respondent to hear the petitioner and pass order in accordance with law. In the present case also, the petitioner has not been heard before rejection of his application for grant of regular stage carriage permit, therefore, the impugned order is contrary to Section 80(2) of the Act.

6. Since the petitioner has not argued on the merits of the case and the interference is sought only on the ground of violation of principles of natural justice, which is engrafted under Section 80(2) of the Act, this Court has entertained the writ petition for remitting the matter back to the Regional Transport Authority for taking decision afresh after giving opportunity of hearing to the petitioner.

7. Accordingly, the impugned order in both the petitions are quashed and the matter is remitted back to the Regional Transport Authority for taking decision afresh in accordance with law. The necessary exercise may be completed within a period of two months from the date of submission of certified copy of this order.

8. In the result, the writ petitions (W.P.C.Nos.1312 & 1310 of 2015) are allowed to the extent indicated above. No order as to costs.

Sd/-
Manindra Mohan Shrivastava
Judge