

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 738 of 2015

1. Sayyad Anwar Ali S/o Sayyad Ahamad Ali, Aged About 46 Years R/o Royal House, C/18, Sector No. 5, Devendra Nagar, Raipur, Office At Royal Travels, Pandri Bus Stand, Raipur, District Raipur Chhattisgarh (Owner Of Passenger Bus No. C.G. 04/ D Y 7869)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Officer In Charge Transport Flying Squad Korba, District Korba Chhattisgarh
2. Regional Transport Officer / Taxation Authority, Registration Authority Raipur Chhattisgarh
3. Officer Incharge, Transport Flying Squad, Korba, District Korba Chhattisgarh
4. Shri Hira Lal Nayak, The Regional Transport Officer, Taxation Authority / R.T.O. Raipur Chhattisgarh

---- Respondents

For Petitioner.
For Respondent/State.

: Shri Ashish Surana, Advocate.
: Shri Satish Gupta, Govt. Advocate.

Order On Board

08/09/2015

Heard.

1. By this petition, petitioner has challenged order dated 02.02.2015, by which the respondent no. 2 has proceeded to pass an order regarding imposition of tax based on the sitting capacity of the vehicle of the petitioner.
2. Learned counsel for the petitioner submits that the petitioner has filed this petition without affording alternative remedy of Statutory Appeal before the State Transport Tribunal, because the order has been passed by the Regional Transport Authority without proper consideration of the material on records and the reply of the petitioner. He also submits that the order is also being challenged on the ground of malafide of the Officers.
3. Though, the allegation of malafide is levelled, there is hardly any material to make out a prima facie case of malafide exercise of power. Irrespective of whether, the order is correct or not, merely because the authority has taken the decision against the petitioner, would not

constitute prima facie material seeking indulgence of this Court under Article 226 of the Constitution of India on the face of existence of alternative remedy to the petitioner to approach the Tribunal.

4. At the request of the learned counsel for the petitioner, certified copy of the impugned order be returned after retaining photo copy of the same.

5. In the result, petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita