

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2094 of 2015**

- Saroj Kumar Chandra S/o Shri Ramlal Chandra, Aged About 40 Years R/o Village Jaijaipur, P. S. Jaijaipur, District Janjgir - Champa (Chhattisgarh)

---- Petitioner**Versus**

1. Regional Transport Authority Bilaspur Chhattisgarh, District Bilaspur (Chhattisgarh)
2. Secretary, Regional Transport Authority, Lagara, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Shailendra Kumar Bajpai, Advocate
For Respondents-State	:	Shri Bhaskar Payashi, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/11/2015**

1. Petitioner had applied for grant of regular stage carriage permit on the route Rewadih to Balco via Kachanda, Jaijaipur, Baradwar, Champa, Korba with one return trip daily. The said application was taken up for hearing by the Regional Transport Authority, Bilaspur on 07-8-2015 and thereafter the impugned order has been passed on 15-9-2015 rejecting petitioner's application for grant of permit.
2. Relying on the order passed by this Court in WPC No.943/2014 and WPC No.738/2013 Shri Bajpai, learned counsel for the petitioner would submit that the petitioner has not been afforded prior hearing as envisaged under Section 80 (2) of the Motor Vehicle Act, 1988 (for short 'the Act, 1988')

before rejecting prayer for grant of regular stage carriage permit. Therefore, there is non-compliance of mandatory provisions and violation of principles of natural justice, which is ingrained in the provisions itself, therefore, the impugned order is unsustainable.

3. In view of the fact that the impugned order itself mentions that the permit application was heard on 07-8-2015 and the order was passed on 15-9-2015 and in between no opportunity of hearing was afforded to the petitioner before rejecting his application on 15-9-2015 and for the orders passed by this Court in the above referred writ petitions, it is deemed appropriate to allow the writ petition by quashing the impugned order and remitting the matter back to the Regional Transport Authority, Bilaspur for taking decision afresh, in accordance with law after hearing all the concerned parties. Necessary exercise may be completed within a period of two months from the date of submission of certified copy of this order.
4. Accordingly, the writ petition stands allowed to the above extent.

Sd/-

Judge

Prashant Kumar Mishra

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