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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 412 of 2015**

M/S Kanker Roadways Through : Preetam Singh Garcha, Managing
Partner, M/S Kanker Roadways, Civil Lines, Raipur- 492001 (CG)

---- **Petitioner****Versus**

1. State of Chhattisgarh, Through : The Chief Secretary, Mahanadi Bhawan,
Mantralaya, Naya Raipur, District Raipur. CG
2. State Transport Appellate Tribunal, Chhattisgarh, Ghari Chowk, Raipur
(C.G.)
3. Regional Transport Authority Chhattisgarh, Bastar Division, Jagdalpur Dt.
Bastar (C.G.)

---- **Respondents**

For Petitioner : Shri Shailendra Kumar Bajpai, Advocate.
For Respondents : Shri Sunil Pillai, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/03/2015**

1. The petitioner has assailed the legality and validity of the order passed by the RTA, Bastar at Jagdalpur on 21.4.2014 whereby the petitioner's application for grant of regular permit for the route Raipur to Beladila via Dhamtari, Charama, Kanker, Keshkal, Kondagaon, Jagdalpur, Geedam, Dantewada, Bacheli and return via same route has been rejected.
2. On earlier occasion, the petitioner's application was dismissed by the said authority on 16.3.2012 against which an appeal was preferred

before the State Transport Appellate Tribunal, Raipur (henceforth 'STAT'). By order dated 13.2.2014, the STAT allowed the petitioner's appeal and remitted the matter back to the RTA for fresh consideration. The impugned order has thus been passed after remand by the appellate authority i.e. STAT.

3. Although learned counsel for the petitioner has argued on merits and placed reliance on judgments in the matters of **Mithilesh Garg, etc. etc. Vs. Union of India and others etc etc.**¹, **The Secretary, Regional Transport Authority, Guntur and another etc. Vs. E. Rama Rao and others etc.**², **Smt. Munni Devi and others Vs. Regional Transport Authority and another**³, **Jagdip Singh Vs. Jagir Chand and another**⁴, yet considering the fact that the petitioner had earlier availed alternative remedy of preferring an appeal, which was allowed in his favour and the matter was remitted back to the RTA, the petitioner should have preferred an appeal before the STAT when fresh order has been passed by the RTA.
4. Since this Court has not dealt with the merits of the case and is relegating the petitioner to avail alternative remedy, the judgments cited by the petitioner are not discussed.
5. Thus, the petitioner's writ petition is not maintainable on account of availability of alternative remedy. It is accordingly dismissed. However, the petitioner may prefer an appeal before the STAT in

1 AIR 1992 SC 443

2 AIR 1991 ANDHRA PRADESH 11

3 AIR 1995 ALLAHABAD 330

4 AIR 2001 SC 3027

accordance with law. If such an appeal is preferred, the same shall be considered and decided by the appellate authority, as early as possible, preferably within a period of 3 months from the date of submission of appeal.

J U D G E

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