

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 924 of 2015**

Sayyad Anwar Ali S/o Sayyad Ahmed Ali, aged about 45 years, Royal Travels, Near Bus Stand Pandri, Raipur, District Raipur (Chhattisgarh).

---- **Petitioner**

Versus

State Transport Authority, Raipur, District Raipur (Chhattisgarh)

---- **Respondent**

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06.11.2015

Through the present writ petition the petitioner has challenged the order dated 29.04.2015 passed by the State Transport Appellate Tribunal, Raipur whereby the appeal preferred by the petitioner against the order dated 15.12.2014 passed by the State Transport Authority was dismissed.

2. The sole contention of the counsel for the petitioner through the present writ petition is that the said two orders passed by the Authorities below are contrary to the provisions of Section 80 of the Motor Vehicles Act. Counsel for the petitioner stresses upon the point that as per the proviso of the said section, an opportunity of hearing before refusal of permit ought to have been granted to the petitioner which in the instant case has not been complied. It is contended that the rejection of permit by the Authority concerned was on account of non compliance of the condition stipulated under Section 128 of Central Motor Vehicles Rules, 1989 but there is no such condition stipulated under Rule 128. Counsel for the petitioner submits that a similar writ petition i.e. W.P.(227) No.241 of 2015 was filed before this Court which has been allowed vide order dated 16.07.2015 copy of which is enclosed with this petition and prays that the present petition may also be disposed of in the similar term.

3. State counsel does not have any objection in case the present petition is disposed of in the light of the order dated 16.07.2015 passed in WP227 No.241 of 2015.

4. Taking into consideration the proviso of Section 80 of the Motor Vehicles Act and the relevant facts of the case and also keeping in view the earlier order passed by this Court in WP227 No. 241 of 2015, this Court is inclined to allow the present petition.

5. Accordingly, the present writ petition is allowed in terms of the order passed in W.P.(227) No. 241 of 2015 dated 16.07.2015. The matter is remitted back to the State Transport Authority, Raipur for considering the application of the petitioner afresh after due compliance of the provisions as is required under Section 80 of the Motor Vehicles Act, 1989.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the Authority concerned shall decide the application of the petitioner so far as the entitlement of the petitioner in granting permit is concerned strictly in accordance with the Act and Rules applicable.

7. The petition stands allowed.

**Sd/-
P. Sam Koshy
Judge**