

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 732 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/ T A- 8786)

---- 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 (Chhattisgarh)
4. Shri Hira Lal Nayak, Regional Transport Officer, Taxation Authority/ R. T. O. Raipur (Chhattisgarh)

---- Respondents

For Petitioner.	: Shri Ashish Surana, Advocate.
For Respondent/State.	: 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