

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No.136 of 2016

Rajendra Singh Chhabara, S/o Late Santosh Singh Chhabara, aged about 65 years, R/o Ringh Road, Namna Kala, District Surguja, Chhattisgarh

---- Appellant

versus

1. State of Chhattisgarh through the Secretary, Transport Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Regional Transport Authority, Surguja, Division Surguja, place Ambikapur, District Surguja, Chhattisgarh
3. Ramchandra Gupta, S/o Late Sarju Sao, R/o Old Post Office Road, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Appellant	:	Shri Shailendra Kumar Bajpai, Advocate
For State/Respondents No.1&2	:	Shri U.N.S. Deo, Government Advocate
For Respondent No.3	:	Shri Rakesh Kumar Jha, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Navin Sinha, Chief Justice

30/3/2016

1. The present appeal arises from order dated 3.2.2016 dismissing Writ Petition (C) No.1934 of 2015 in view of the availability of alternative statutory remedy of revision under Section 90 of the Motor Vehicles Act, 1988 opining that no extra ordinary ground existed to warrant invocation of the writ jurisdiction bypassing the alternative statutory remedy.
2. Learned Counsel for the Appellant sought to persuade us that if the permit had been granted contrary to the law, nothing prevents this Court from interfering especially if the permit has been granted in violation of the statutory provisions.
3. We have considered the submissions and noticed that both the Appellant and Respondent No.3 are permit holders with their vehicles

running between gap of 15 minutes. In view of the alternative statutory remedy available, we find no reason to differ with the view taken by the Learned Single Judge.

4. The apprehension of the Appellant that the Revisional Court's powers are restricted in nature is completely belied from the language of the section which to our understanding is widely worded to deal with any improper or illegal order passed as the Tribunal may deem fit.

5. If the Appellant files an application to condone the delay in approaching the Tribunal, it is expected that the Tribunal shall adequately keep in mind the fact that the Appellant was not sitting idle but was pursuing a remedy in law.

6. We find no reason to interfere with the order of the Learned Single Judge.

7. The reference to the State Administrative Tribunal in paragraph 4 is an inadvertent typographical error. It is modified and corrected to read as State Transport Appellate Tribunal. The appeal is dismissed except to the extent indicated.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE