

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No.3381 of 2010**

M/s. Durga Motor Service through its proprietor Shanti Devi Gupta, wife of late Jeetan Prasad Gupta, aged about 84 years, R/o Old Bus Stand, Ambikapur, District Surguja (CG).

---- Petitioner**Versus**

1. State Transport Appellate Tribunal, Raipur.
2. State Transport Authority, Raipur (CG).
3. Rajendra Singh Chhabra, R/o Ring Road, Namnakala, Ambikapur, District Surguja (CG).

--- Respondents

For Petitioner	:	Shri C.Jayant K. Rao, Advocate
For Respondents/State	:	Shri Shailendra Bajpai, Advocate and Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/12/2016**

(1) The petitioner has challenged the impugned order dated 30.11.2009 passed by the State Transport Appellate Tribunal by which, order passed by the State Transport Authority has been set-aside and the time schedule has been changed and that permit was valid upto 09.05.2011. The writ petition was filed on 07.07.2010 and during the pendency of the writ petition the duration of permit has expired on 09.05.2011. It is stated at bar that subsequently permit has been renewed.

(2) Learned counsel appearing for the petitioner would submit that the subsequent renewal has already been made and, therefore, the order dated 30.11.2009 passed by the State Transport Appellate Tribunal be set aside.

(3) On the other hand, learned counsel appearing for respondent No.3 would submit that after 09.05.2011, the renewal has already been made, therefore, permit has already been granted but no objection was made by the petitioner to the subsequent renewal, which has granted afresh .

(4) Learned counsel for the petitioner would further submit that renewal has not been granted afresh .

(5) The fact remains that the petitioner has not challenged the subsequent/afresh renewal granted by making objection before the State Transport Appellate Tribunal, Raipur and as such, the instant writ petition has become infructuous as the permission has already been granted.

(6) Accordingly, the writ petition is dismissed as having become infructuous. However, the petitioner is at liberty to challenge/object the subsequent/afresh renewal granted in accordance with law and the order of State Transport Appellate Authority dated 30.11.2009 without prejudice to the rights of the parties.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-