

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1812 of 2016

- Mohd. Noore Haqu S/o Abdul Haq, Aged About 50 Years
Kharsiya Naka, Ambikapur, District Surguja (Chhattisgarh).

---- Petitioner

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. Vijay Kumar Gupta, Prop. Durga Motor Service, Purana Bus Stand,
Ambikapur, District Surguja (Chhattisgarh).

---- Respondent

For Petitioner	Mr. S.K. Bajpayee, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

20/7/2016

1. Heard.
2. The petitioner is aggrieved by the order passed by the RTA,
Surguja granting Regular Stage Carriage Permit in favour of
respondent No.3.
3. Learned counsel for the petitioner would submit that the
impugned order is *ex facie* illegal and has been passed in excess
of jurisdiction, therefore, the writ petition is maintainable.
4. In case of wrong exercise of jurisdiction, the statutory remedy of

revision before the revisional authority is equally efficacious.

5. Had it been a case of want of jurisdiction or violation of principles of nature justice, this Court may entertain a writ petition directly, however, in the given set of facts, the petitioner should have availed alternative remedy.
6. In view of availability of alternative remedy of Revision under Section 90 of the Motor Vehicles Act, 1988, the writ petition is disposed of with direction that if the petitioner prefers a Revision before the revisional authority within a period of 30 days from today, the same shall be heard and decided by the revisional authority in accordance with law at the earliest preferably within a period of 03 months from the date of its submission.

Sd/-

Judge

(Prashant Kumar Mishra)

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