

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2084 of 2016

- Ram Niranjana Sharma S/o Shri Shesh Mangal Prasad Sharma, Aged About 57 Years Transporter Sharma Auto Parts, Bus Stand Bilaspur Pin 495001 Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Transport Department, Naya Mantralaya, Naya Raipur, 492002
2. Mr. Sumit Sahu, S/o Shri Jevalal Sahu, Bus Operator 27 Kholi, Bilaspur 495001

---- Respondent

For Petitioner
For Respondent /State

Mr. Shailendra Bajpai, Advocate
Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/8/2016

1. Heard.
2. The petitioner has assailed the order passed by the State Transport Appellate Authority (in short "the STAT"), whereby, the said authority has allowed respondent No.2's application under Section 5 of the Limitation Act to condone the delay in filing the revision application.
3. The petitioner has been granted temporary permit for the route Bilaspur to Khongsara via Gatori, Ratanpur, Chapora, Belgahna, Konchera, Tulup and one back return trip daily for the period

from 01.06.2016 to 31.08.2016. This grant has been assailed by respondent No.2 by preferring a Revision before respondent No.1.

4. In the application under Section 5 of the Limitation Act, respondent No.2 has stated that although the order of issuance of permit was issued on 06.05.2016, however, the permit itself was released/issued on 28.05.2016 and the revision application has been preferred thereafter on 02.07.2016.
5. Admittedly, in the certified copy issued to respondent No.2, the date of moving the application and date of issuance of copy has not been mentioned, therefore, the STAT has rightly assumed that the certified copy must have been obtained after 28.05.2016 and even if there is delay of 02 or 03 days in moving the application, the same deserves to be condoned.
6. Since the STAT has exercised its judicial discretion to condone the delay after considering the entire facts situation of the case, this Court would not substitute its own view to unsettle the finding based on correct statement of facts and even otherwise, the matter is still to be heard on merits, wherein, the petitioner would get full opportunity to defend the temporary permit granted in his favour.
7. For all the afore-stated reasons, the writ petition is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)