

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (C) NO. 1711 OF 2015

1. Chhattisgarh Parivahan Mahasangh, Raipur, through its President, Prakash Deshlahra, aged about 60 years, office at New Bus Stand, Pandri, Raipur, Police Station Pandri, Raipur, District Raipur (C.G.)

2. 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 (C.G.) (owner of Passenger Bus No. CG04/JE-0786)

... Petitioners

Versus

1. State of Chhattisgarh, through the Secretary, Department of Transport, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)

2. The Transport Commissioner of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)

... Respondents

For Petitioners	:	Mr. Ashish Surana, Advocate.
For Respondent-State	:	Mr. U.N.S. Deo, Government Advocate.

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

Order on Board

Per NAVIN SINHA, C.J.

04/02/2016

1. This writ petition was filed by the Transporters' Association through its President aggrieved by notification dated 22.5.2015 amending the Chhattisgarh Motor Vehicles Rules, 1994 by which the sitting arrangement in Deluxe Sleeper Coach and Semi Sleeper Coach of Stage Carriage and Contract Vehicle Carriage inter-alia with regard to size of the berth was changed providing that it shall come into effect six month from the date of publication i.e. 23.5.2015.

2. The writ petition had contended that no draft publication of the amendment was made as required under Section 212 (1) of the Motor Vehicles Act. Another challenge was to the retrospectivity of the amendment.

3. Counter affidavit has been filed on behalf of the Respondents denying the former allegation enclosing a draft notification dated 19.1.2015. Learned Counsel for the Respondents submits that another draft notification has been published on 5.1.2016 with regard to certain aspects inviting objections inter-alia with regard to the width of the sleeper berth also for restoring status quo ante. Certain more proposals have been incorporated that from the date of commencement of the draft rules after final publication there would be no requirement for changing the width of the berth of existing vehicles till its life or renovation of the body.

4. Counsel for the Petitioner fairly acknowledges that objection has been filed by its members to the draft publication dated 5.1.2016 also.

6. The writ petition has therefore now become premature at this stage and is disposed with the observation that any surviving individual grievance after final publication can always be pursued in accordance with law by the aggrieved individual.

7. The writ petition stands disposed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge