

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1934 of 2015

Rajendra Singh Chhabara S/o Late Santosh Singh Chhabara,
Aged About 65 Years R/o Ring Road Namna Kala, 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. Ramchandra Gupta, S/o Late Sarju Sao, R/o Old Post Office Road, Ambikapur, District Surguja, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Shailendra Kumar Bajpai, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer
For Respondent No.3	:	Shri Ajay Shrivastava, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order

03/02/2016

Heard on admission.

1. Learned counsel for the petitioner submitted that grant of permit to ply vehicle by respondent No.3 is in violation of the prescribed procedure for award of permit by Transport Authorities. It is submitted that prior to grant of permit to respondent No.3, opportunity of hearing has not been afforded to the petitioner. Online application submitted by respondent No.3 was required to be rejected. The petitioner has also stated that the authorities have been collecting fee for grant of permit in excess of the prescribed amount.

2. On the other hand, learned counsel for the respondents submit that the petitioner has an alternative remedy of filing statutory revision under Section 90 of the Motor Vehicles Act, 1988, whereas, the petitioner has directly filed this petition challenging the order of grant of permit after a long delay.

3. Irrespective of the merits which the petitioner may have in his case, learned counsel for the petitioner could not dispute that there exists an alternative remedy of filing revision before the State Transport Appellate Tribunal against the order passed by the Transport Authority.

4. It is not a case where the business of the petitioner has been closed. The challenge is to grant of permit to respondent No.3 to ply vehicle with a gap of 15 minutes ahead of the petitioner. This shows that the grievance of the petitioner is against the award of permit to respondent No.3. Therefore, there is no extraordinary ground existing in the case to warrant indulgence of this Court without insisting on exhaustion of alternative statutory remedy. In these circumstances, I am inclined to dismiss the petition, however, reserving liberty to the petitioner to file appeal before the State Administrative Tribunal.

5. With the aforesaid liberty, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E