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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1672 of 2016

- Mahendra Madhukar Lule S/o Madhkar Ramchandra Lule, Aged About 55 Years R/o Ashirwad Complex, Vaidanath Chowk, Great Nag Road, Nagpur Maharastra,

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. State Transport Authority, Chhattisgarh , Indravati Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
3. Secretary, State Transport Authority Chhattisgarh, Indravati Bhawan, Mantralaya, New Raipur District Raipur Chhattisgarh

---- Respondent

And

WPC No. 1178 OF 2016

- Mahendra Madhukar Lule S/o Madhukar Ramchandra Aged About 55 Years R/o Ashirwad Complex, Vaidnath Chowk, Great Naq Road Nagpur (Maharashtra)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Transport, Mantralaya, Mahanadi Bhawan, Naya Raipur, Dist. Raipur (Chhattisgarh)
2. State Transport Appellate Authority, Ghari Chowk, Raipur (Chhattisgarh)
3. State Transport Authority, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur (Chhattisgarh)
4. The Secretary, State Transport Authority, Mantralaya, Indravati Bhawan, Naya Raipur (Chhattisgarh)
5. Rais Ahmed, S/o Late Hazi Mohammed Raffique, Aged 52 Years Bus Operator Purana Bus Stand, City Kotwali, Rajnandgaon (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Shailendra Kumar Bajpayee, Advocate
For Respondent State	Mr. Arun Sao, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

5/10/2016

1. The present writ petition is an offshoot of the order dated 23.1.2015 passed by this Court in the batch of writ petitions, leading case being WPC No.203 of 2015 (Mahendra Madhukar Lule Vs. State of Chhattisgarh and others).
2. The issue pertains to removal of discrepancy and counter signature on the inter-State permit issued in favour of the petitioner for the route Chandrapur to Raipur and Chandrapur to Rajnandgaon.
3. In the earlier writ petition, a Coordinate Bench of this Court elaborately dealt with the issue to hold in para 19 that conjoint reading of reciprocal agreement and respective Notifications of two States would show that in the Notification issued by the State of Chhattisgarh in respect of inter-State route Chandrapur to Raipur, there has crept in discrepancy in the specifications both destinations-wise as well as distance-wise between specifications of reciprocal agreement and State Notification. It was further held that it will be open for the two States to remove discrepancy by taking recourse to discrepancy removal mechanism provided in Clause I (j) of the reciprocal transport agreement

4. In the present petition, Mr. Shailendra Kumar Bajpayee, learned counsel for the petitioner, would submit that despite lapse of more than 09 months from the earlier order passed by this Court on 23.12.2015, the State of Chhattisgarh has not taken steps to remove the discrepancy and the petitioner is not able to work the permit.
5. Per contra, Mr. Arun Sao, learned Dy. AG for the State, would submit that the meetings have already been taken place between the competent authorities of both the States to sort out the defects and remove the discrepancy, however, it may take some more time to pass formal orders for removing the discrepancy.
6. In view of the above submission made, it is directed that the State of Chhattisgarh shall take steps to remove the discrepancy in consultation with the State of Maharashtra within a period of 03 months from today.

Sd/-

Judge

(Prashant Kumar Mishra)

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