

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2161 of 2017**

Sanjay Singh, S/o Shri M.B. Singh, aged about 43 years, R/o Imlipara,
Gali No.2, Bilaspur (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through Secretary, Department of Transport Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG).
2. Regional Transport Authority Ambikapur, District Ambikapur (CG).

--- Respondents

For Petitioner : Mr. Santosh Gupta, Advocate
For State : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

04/08/2017

(1) Learned counsel appearing for the petitioner would submit that application for grant of regular stage carriage permit preferred by the petitioner has been rejected without giving an opportunity of hearing as envisaged under the second proviso to sub-section (2) of Section 80 of the Motor Vehicle Act, 1988 (hereinafter called as 'Act of 1988') as the impugned order is contrary to the aforesaid provision and is in violation of principles of natural justice.

(2) On the other hand, learned Panel Lawyer for the State would support the impugned order.

(3) I have heard learned counsel for the parties and perused the impugned order.

(4) Since the petitioner was not afforded an opportunity of hearing and the impugned order is in violation of second proviso to sub-section (2) of Section 80 of the Act of 1988, same is quashed. The matter is remitted back to the Regional Transport Authority, Ambikapur for taking a decision afresh in accordance with law.

(5) The writ petition is allowed to the extent indicated hereinabove. It is made clear that the RTA shall provide opportunity of hearing to the petitioner as well as to such objections who have already preferred their objection against the petitioner's application. Let the necessary exercise be completed within a period of two months from the date of submission of certified copy of this order.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-