

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2906 of 2017

Taxi Owners United Transport Company, Raipur through Proprietor
Inder Jaggi R/o A-7, Jeevan Apartment, Shankar Nagar, Raipur (CG).

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Transport, Capital Complex, New Raipur, District Raipur (CG).
2. Regional Transport Authority Raipur, Commissioner Office, Shastri Chowk, Raipur, District Raipur.
3. Secretary, Regional Transport Authority & Regional Transport Officer, Bhanpuri, Raipur, District Raipur.

--- Respondents

For Petitioner : Mr. Sudeep Johri, Advocate
For State : Mr. Shashank Thakur, Govt. Advocate

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

01/11/2017

(1) Learned counsel appearing for the petitioner would submit that the petitioner was operating City Bus being Registration No.CG04/E-2866 for which earlier permit was granted by the respondent authorities from 02.09.2006 to 01.09.2011 and thereafter, renewed from 02.09.2011 to 01.11.2016. Later on 23.08.2016, he has moved an application before respondent No.2 for renewal of permit, but the said application has been rejected by the said authority by impugned order dated 22.08.2017 after one year from the date of filing of such application without applying the Second proviso of Section 81(4) of the Motor Vehicles Act, 1988 and, as such the course adopted by respondent No.2-Regional Transport Authority, Raipur is unsustainable and bad-in-law.

(2) Per contra, learned counsel appearing for the State would support the impugned order and oppose the submission made by learned counsel for the petitioner.

(3) I have heard learned counsel appearing for the parties, considered their rival submission made herein above and also gone through the impugned order with utmost circumspection.

(4) A careful perusal of the petitioner's application, it would show that the petitioner's permit was valid up to 01.11.2016 and later on 23.08.2016, he moved an application for renewal before respondent No.2, but the same has been rejected by the said authority on 22.08.2017 after one year from the date of filing of such application. Furthermore, the said application has been rejected on the ground that number of vehicles are owned by the petitioner, but it has neither been indicated in the application nor affidavit has been filed by him in that regard.

(5) Be that as it may, the petitioner is directed to file his affidavit, no arrears certificate and the list of number of vehicles owned by him before the respondent No.2, in that event respondent No.2 shall consider and decide the petitioner's application afresh within a period of ten days from the date of receipt of documents along with application for renewal of permit for operating the said bus.

(6) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge