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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 457 of 2012

- Kanker Roadways Through Partner Shri Pritam Singh Garcha, aged 64 years, R/o Civil Lines, Raipur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh, through the Secretary, Department of Transport, DKS Bhawan, Raipur Chhattisgarh
2. State Transport Authority Chhattisgarh Raipur (CG)
3. Smt. Kamaljeet Kaur, W/o Late Satwant Singh C/o Mahendra Travels New bus stand Pandri, Raipur CG
4. Kulraj Singh C/o Mahendra Travels, New bus stand Pandri Raipur (CG)
5. Sayed Anwar Ali S/o Ahmed Ali R/o Royal House C-18 Section-5 Devendra Nagar, Raipur (CG)
6. State Transport Authority, Maharashtra, Administrative Building, 3rd and 4th Floor near Dr. Ambedkar Udyan Government Colony Bandra East Mumbai (MAH)

---- Respondent

WPC No. 1656 of 2013

- Kanker Road Ways Civil Line Raipur Through The Managing Partner Pritam Singh Garcha, S/o Late Shri Jogender Singh Garcha, Aged about 63 Yrs, R/o Civil Line, Raipur, PS Civil Line, Raipur, Civil And Revenue Distt Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Transport Authority Chhattisgarh, Raipur, Purana Rajya

Parivahan Depot, Pandari, Raipur, Distt Raipur, Chhattisgarh

2. Ajay Singh Gil, aged about 26 years, S/o late Shri Satwant Singh Gil, Mahendra Travels, Bus Stand, Pandari, Raipur, Chhattisgarh

---- Respondent

WPC No. 1657 of 2013

- Kanker Road Ways Civil Line Raipur Through The Managing Partner Pritam Singh Garcha, S/o Late Shri Jogender Singh Garcha, Aged about 63 Yrs, R/o Civil Line, Raipur, PS Civil Line, Raipur, Civil And Revenue Distt Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Transport Authority Chhattisgarh, Raipur, Purana Rajya Parivahan Depot, Pandari, Raipur, Distt Raipur, Chhattisgarh
2. Ajay Singh Gil, aged about 26 years, S/o late Shri Satwant Singh Gil, Mahendra Travels, Bus Stand, Pandari, Raipur, Chhattisgarh

---- Respondent

For Petitioners
For Respective
Respondents

Mr. Sudeep Johri, Advocate

Mr. Shashank Thakur, Government
Advocate and Mr. Ajay Shrivastava,
Advocate

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

24/9/2018

1. Heard.
2. The petitioner would assail the inter-state permit issued to the private respondents for the route Raipur to Nagpur for the

period from 23.12.2008 to 22.12.2013 on the ground that on the date when the STAT passed the order holding private respondents to be entitled for the subject inter-state permit, the petitioner's application for the same route was also pending but the same was not considered. Reliance has been placed on the order passed by this Court in the matter of **Yakub Sarif Vs. State Transport Appellate Tribunal, Raipur and others, AIR 2006 Chhattisgarh 46.**

3. The petitioner is also challenging the order(s) dated 26.11.2010-Annexure P/5 and P/6 in WPC No.457/2012 and similar orders passed in other writ petitions, by which, the petitioner's pending application has been rejected.
4. Admittedly, the petitioner has not assailed the order passed by the STAT, on the basis of which, the impugned permits -Annexure P/1 and P/2 in WPC No.457/2012 have been issued to the private respondents. Similarly, the petitioner has not availed the alternative remedy to challenge the subsequent order passed by the STAT rejecting his application for grant of inter-state permit for the subject route.
5. The first order as well as the subsequent order could have been assailed by preferring appeal before the STAT. Thus, the petitions suffer from twin defects, firstly, the original order, based on which, the permits have been issued to the private respondents have not been challenged and secondly, the first set of order as well as the second set of order rejecting the petitioner's application can be assailed by preferring appeal

before the STAT.

6. All the writ petitions are thus not maintainable and are accordingly dismissed. If the petitioner so desires, he may avail the alternative remedy in accordance with law.

Sd/-

(Prashant Kumar Mishra)

Judge

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