

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 706 of 2018

- Shiv Ratan Prasad Gupta S/o. Late Shri B.P. Gupta Aged About 49 Years R/o Shiv Sadan, Near Ram Mandir, Awadh Puri Colony, Bhatagaon, Raipur (Chhattisgarh)

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department of Transport, New Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. State Transport Authority Indrawati Bhawan, Sanchalnalay, New Raipur (Chhattisgarh)
3. Mohd. Baidul S/o Late Abdul Rasheed Aged About 50 Years R/o Kharsia Square, Ring Road, Ambikapur, Through Power Of Attorney Holder, Shri Shrutidhar Tripathi, R/o Rajhans, Travels Bus Stand, Pandri, Raipur, District Raipur (Chhattisgarh)

---- Respondents

WA No. 723 of 2018

- Shiv Ratan Prasad Tupta S/o Late Shri B.P. Gupta, Aged About 49 Years R/o Shiv Sadan, Near Ram Mandir, Awdh Puri, Colony, Bhatagaon, Raipur Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Department of Transport, New Mantralaya New Raipur, District Raipur Chhattisgarh.
2. State Transport Authority, Indrawati Bhawan, Sanchalnalay, New Raipur Chhattisgarh.
3. Alok Kumar Akhilesh, S/o Gorelal Akhilesh, Aged About 44 Years R/o Khajanchi Road, Jashpurnagar, District Jashpur Chhattisgarh. Through Power of Attorney Holder, Shri Shrutidhar, Tripathi, R/o Rajhans, Travels Bus Stand, Pandri, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Ajay Shrivastava, Shri Anshul Shrivastava and Shri Satya Kumar Mandloi, Advocates
For Respondents-State	:	Shri U.N.S. Deo, Government Advocate
For Respondent No.3	:	Shri Shailedra Bajpai and Shri Varun Sharma Advocates

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

04.10.2018

1. Two writ applications came to be clubbed and heard together because they arose out of a common decision in relation to grant of permit on the interstate route Ambikapur to Puri in terms of Section 70 of the Motor Vehicles Act, 1988; hereinafter referred to as 'the Act, 1988'.
2. Since the learned Single Judge disposed off the writ petitions with partial relief in the sense that issuance of permit issued in favour of Respondents No.3 in writ application who are Appellants in these appeals was quashed and matter was left for the authority for fresh consideration.
3. Much has been argued before us as to the requirement under Section 70 and 72 of the Act, 1988 whether it is the date of the decision making and the situation prevailing therein is of significance or the facts as it stood on the date of the application should form the basis for decision making.
4. During the course of hearing, it has been noticed that the date of application for the said permit admittedly was 09.10.2017. On the said date, the allegation was that the Appellants did not have regular bus in form and content, but only a chasis with a temporary registration number.

5. Bereft of those facts, admitted position is that on 16.11.2017 the State Transport Authority (STA) heard the parties and reserved the order. The order came to be finally passed on 19.01.2018 i.e. almost two months after the hearing of the case was closed. But, surprisingly, the STA has taken into consideration subsequent developments including the fact that a permanent registration to one of the applicants which was granted on 08.01.2018 was taken into consideration in the order dated 19.01.2018.
6. This Court find it's strange that when the arguments and objections were finally heard on 16.11.2017 then on what inputs and materials subsequent developments came to the knowledge of the STA and which formed the basis for the order dated 19.11.2018. Obviously, after the decision or the order was reserved, the channels of communication were left upon and inputs were received day's before the final order has come to be passed. This is an unacceptable method and methodology of decision making in public domain.
7. Let it be clarified that such decisions are quasi judicial decisions emerging from statutory provisions and such decisions always will have consequences for a person if the decision does not accrue in his favour. The honesty and dispassion of decision making in public domain has to be maintained and this Court will never allow or entertain any kind of leeway by any authority if fairness in decision making does not emerge from the decision maker.
8. Therefore, bereft of all other issues and principles on which many a decision came to be cited, the factual position being what they are, in

our opinion, the decision dated 19.01.2018 has been vitiated because it was passed on materials and inputs which were not available on record before the STA on 16.11.2017 when the objections were heard finally.

9. In view of the same, both the appeals are dismissed. The learned Single Judge committed no error in passing the order in question. In fact, the STA is cautioned and warned that in future the decisions must be rendered on basis of the inputs available on the date when the arguments and objections are heard and order reserved, and not on inputs or subsequent events.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge