

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2746 of 2018**

- Sanjay Singh S/o M B Singh Aged About 40 Years R/o Imlipara, Gali No. 2, Bus Stand Bilaspur District Bilaspur Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Transport Department Mantralaya, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh.
2. Regional Transport Authority, Surguja ( Ambikapur ) District Surguja Chhattisgarh.
3. Devendra Jaiswal S/o Ramnarayan Jaiswal Aged About 40 Years R/o Khutan Para, Baikunthpur District Korea Chhattisgarh.

**---- Respondent**


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| For Petitioner        | Mr. Shailendra Kumar Bajpayee, Advocate |
| For Respondent /State | Mr. Sameer Behar, Panel Lawyer          |

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**Order On Board By****Hon'ble Mr. Justice Prashant Kumar Mishra****3/10/2018**

1. Heard.
2. The RTA, Ambikapur has allowed respondent No.3's application for grant of stage carriage permit from Dhanwar to

Wadrafnagar and return, even though, similar application preferred by the petitioner was earlier rejected.

3. The petitioner would assail the impugned order on the ground that part of the route falls within the jurisdiction of RTA, Bilaspur, therefore, under Section 88 of the Motor Vehicles Act, 1988, the permit could not have been issued without the counter signature of the other RTA. He would submit that for this defect in exercise of jurisdiction, the impugned order is vitiated.
4. The impugned order is revisable before the STAT, therefore, the petitioner should have availed the alternative remedy of preferring revision. The petitioner may avail the remedy within a period of 15 days from today and on such availment of alternative remedy, the STAT shall consider and decide the petitioner's revision application on merits without raising the ground of limitation.
5. Since the petitioner is raising the plea of want of jurisdiction for grant of permit by the RTA, Ambikaur within the area of RTA, Bilaspur, it is directed that for a period of 4 weeks from today, there shall be stay of the impugned order -Annexure P/1.
6. The petitioner would be at liberty to move an application for interim relief before the STAT. The interim order allowed in favour of the petitioner shall remain in operation only for a period of 4 weeks and thereafter, the order passed by the STAT on the petitioner's application for interim relief shall bind the

parties.

7. The certified copy of the impugned order -Annexure P/1 be returned to the counsel for the petitioner for filing the revision application.
8. The writ petition is accordingly disposed of.

Sd/-

**(Prashant Kumar Mishra)**

Judge

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