

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1654 of 2014

- Santosh Rathore S/o Ram Prasad Rathore Aged About 45 Years R/o Near Kali Mandir, Raipur Road Tifra, PS Sirgitti, Civil And Revenue Distt Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Regional Transport Authority Bilaspur Chhattisgarh, Distt Bilaspur, Chhattisgarh
2. Secretary, Regional Transport Authority, Bilaspur, Seepat Road, Bilaspur Distt Bilaspur, Chhattisgarh

---- Respondents

WPC No. 1656 of 2014

- Ashok Kumar Rathore S/o Ramji Rathore Aged About 38 Years R/o Village Sukali P.S. Janjgir, Civil And Revenue Distt. Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. Regional Transport Authority Bilaspur, Chhattisgarh, Distt. Bilaspur Chhattisgarh
2. Secretary, Regional Transport Authority, Bilaspur, Seepat Road, Bilaspur, District Bilaspur (C.G.)

---- Respondents

WPC No. 1702 of 2014

- Rajendra Kumar Rathore S/o Shri Hari Shankar Rathore Aged About 35 Years R/o House No. 125, Khokhsa, P.S. Janjgir, Civil And Revenue Distt. Janjgir Champa C.G.

---- Petitioner

Versus

1. Regional Transport Authority Bilaspur, Chhattisgarh, Distt. Bilaspur C.G.

2. Secretary Regional Transport Authority Bilaspur Seepat Road, Bilaspur, Distt. Bilaspur C.G.

---- Respondents

For Petitioners : Shri S.K. Bajpai, Advocate

For Respondents/State : Ms. Astha Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/07/2019

1. The present batch of writ petitions is heard & decided together by this order as they are preferred against the common order.
2. The order impugned dated 26.02.2214 passed by the Regional Transport Authority, Bilaspur, C.G. is under challenge on the ground that the application of the petitioner for grant of permit for a particular route has been refused.
3. Learned counsel for the petitioners would submit that before the impugned order is passed, the petitioners were not given proper hearing, therefore, there is violation of sub-section (2) of Section 80 of the Motor Vehicle Act, 1988 (hereinafter referred to as the Act, 1988) as the proviso clause provides that if the Authority refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter. He would further submit that the proviso of sub-section (2) of Section 80 of the Act, 1988 was not followed.

4. Learned State counsel submits that the petitioners were present on 26.02.2014, therefore, it would presume that they were heard.
5. Perusal of the proviso clause shows that if the Regional Transport Authority refuses an application for grant of permit of any kind, it shall give the applicant in writing its reason for refusal of the same and an opportunity of being heard in the matter. Since the petitioners have seriously disputed that they were not heard before such refusal was made and the issue pertains to 2014, it is directed that the petitioners shall be given an opportunity of detailed hearing and thereafter may pass the appropriate order, in accordance with law. In view of this, the order dated 26.02.2014 is set aside and the issue is remitted back to the concerned Regional Transport Authority so as to afford opportunity of detailed hearing to the petitioners.
6. With the aforesaid observation, all the writ petitions stand disposed of.

Sd/-

Goutam Bhaduri
Judge