

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1281 of 2019**

- Sudhir Singh S/o Shri Matabux Singh Aged About 45 Years R/o Imlipara Bilaspur, District - Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State of C.G. Through Secretary, Department Of Transport, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Regional Transport Authority Raipur/commissioner, Raipur Division District Raipur Chhattisgarh
3. Istiyak Ahmad S/o Raffik Ahamad R/o Ward No. 10 Rajiv Gandhi Chowk Talapara Road, Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri Shailendra Kumar Bajpai, Advocate

For Respondent/State : Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/04/2019**

1. Heard.
2. The instant petition is to quash the order dated 25.08.2018 (Annexure P-1) whereby permanent permit to operate the Bus on the route from Bilaspur to Saraipali was granted.
3. Learned counsel for the petitioner would submit that the permit has been granted by the Regional Transport Authority, Raipur and as per the Section 88 of the Motor Vehicle Act, 1988 the validation of the permit can only be allowed when it is counter signed by the Regional Transport Authority of that region. It

is stated that since permit of the route passes through the Bilaspur region, therefore, it should have been counter signed by the Bilaspur Regional Transport Authority and as such the Section 88 of the Act, 1988 is violated.

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, Raipur 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/-

Goutam Bhaduri
Judge

Ashu