

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3387 of 2019

M/s New Royal Travels through its Managing Partner Sayyad Anwar Ali S/o Sayyd Ahmad Ali, Aged About 51 Years, C/o Royal Travels, Shop No. 03, Pagaria Complex, New Bus Stand, Pandri, Raipur, District- Raipur, Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Transport, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Regional Transport Authority Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

--- Respondents

For the Petitioner : Mr. Ajay Pal Singh & Mr. Vipin Tiwari,
Advocates

For the State : Mr. Avinash Singh, Panel Lawyer

For the intervener : Mr. Shailendra Bajpai, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-09-2019

1. The grievance of the petitioner is that one of the partner namely Sayyad Anwar Ali was holding an individual permit in his name to ply a vehicle on a certain route. Subsequently, the individual entered into partnership with four persons in the name of M/s New Royal Travels and he wants to ply the same vehicle on the route with the old permit. Therefore, though the application has been filed before the RTO to transfer the permit, which has not been decided.
2. Mr. Shailendra Bajpai, counsel for the intervener objected to such transfer of permit and would submit that the permit cannot be

transferred according to the Motor Vehicles Act and only in case of death of the permit holder during the validity of permit, it can be transferred that too with the permission of the Regional Transport Authority.

3. At this stage, I am not inclined to appreciate the arguments of the intervener since no decision has been taken on the permit.
4. Without any observation on merits of the case, it is directed that if the application is pending before the State Transport Authority, the authority shall decide the same on its own merits. If the individual permit is permissible to be transferred in the name of partnership firm that issue shall also be taken into account and further the authorities shall also take into account whether the transfer of individual permit can take place or not. The authority shall decide the issue within a period of 45 days.
5. With the above observation, this writ petition stands disposed of.

Sd/-

GOUTAM BHADURI
JUDGE