

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3247 of 2018**

Kanti Lal Chopda son of Late Shri Champalal Chopda, aged about 52 years,
Resident of Ganjpara, Durg PS City Kotwali, Durg, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Transport, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. State Transport Authority, Indravati Bhawan, Third Floor C Block, Naya Mantralaya, Raipur, District Raipur, Chhattisgarh.

---- Respondents**AND****Writ Petition (C) No. 137 of 2019**

Bhai Chara All India Truck Operator Welfare Association, Through its President, Nirmal Singh Saini, son of Shri Bakashish Singh Saini, aged about 55 years, resident of Sardar Road, Carner Ring Road, No. 2, Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Transport, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. State Transport Authority, Indravati Bhawan, Third Floor C Block, Naya Mantralaya, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava and Shri Shivesh Singh, Advocate.
For Respondent/State	:	Smt. Fouzia Mirza, Additional Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per Ajay Kumar Tripathi, Chief Justice****11/03/2019**

1. Heard learned counsel for the Petitioner and the State/Respondents.
2. Keeping in mind the order dated 26.07.2018 which has been passed in identical matter being Writ Petition (C) No. 2004 of 2017 and analogous

cases, for the reasons stated therein by us, these writ applications are also allowed in the following manner:

"17. We therefore come to a conclusion that the State of Chhattisgarh cannot issue notifications curtailing life and validity of the Stage Permit Vehicles by bringing it lower than the certification of fitness which is issued at the time of registration under Section 59 of the Act. Any changes with regard to the validity and permissibility of the vehicle which can be plied on the road can only be done by the Central Government and therefore, the notification dated 18.05.2011 contained in Annexure P/1 and notification dated 08.02.2017 contained in Annexure P/2 are struck down as ultra vires Section 59 of the Act.

3. For the same set of reasons, the notification in relation to goods carriage vehicle also stands quashed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE