

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3519 of 2018**

- M/s Kanker Roadways Through Partner Navprit Singh Garcha S/o Late Pritam Singh Garacha Aged About 38 Years, R/o Civil Lines, Infront Of Cm House Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh 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. Shri Yashvant Kumar Sahu S/o Krishna Kumar Sahu C/o Chaman Lal Sahu Village Rawanbhata Post - Chhura, District Gariyaband Chhattisgarh.

---- Respondent

For Petitioner : Shri Shailendra Bajpai, Advocate.
For Respondents 1 & 2 : Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/01/2019 :**

1. Learned counsel for the petitioner would submit that while allowing permit to the private respondent No.3 for the route Raipur to Dhamtari Via Abhanpur, the petitioner was not heard even though a different timing has been sanctioned than the one proposed by the private respondent at the time of moving application. Learned counsel would refer to the decision rendered by this Court in WP No.6057/2006 (**Durga Motor Service, Ambikapur Vs. State Transport Appellate Tribunal, CG,**

Raipur and Others) on 20.2.2007, wherein it was observed thus in paras-3 & 4 :-

“3.In view of the fact that the petitioner was not heard on the change of timings other than the published timings in the notice, this Court is of the opinion that the interest of justice would be sub-served if the petitioner along with all concerned are given an opportunity for putting forward their cases before the respondent No.2 for reconsidering the order dated 3.4.2006 and pass appropriate order in accordance with law.

4.In view of the aforesaid submissions, the order dated 5.9.2005 (Annexure-P/4) and the order dated 3.4.2006 (Annexure-P/2) are quashed. The matter is remanded back to the Regional Transport Authority, Chhattisgarh, Raipur to consider this matter afresh, within a period of two weeks, after issuing proper notice to all the concerned. In the meantime, the respondent No.3 would be permitted to operate as per the order dated 3.4.2006.”

2. In view of the fact that a different timing has been sanctioned in the permit issued in favour of respondent No.3, the Writ Petition is disposed of with a direction that petitioner shall move an objection before respondent No.2 within a period of 15 days from today and thereafter the said respondent shall hear the petitioner and respondent No.3 to decide the issue about the timing on which vehicle of respondent No.3 would operate on the subject route. Let a decision be taken within a period of 8 weeks thereafter.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve