

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4443 of 2019**

Sanjay Singh S/o Shri Matabux Singh, Aged About 46 Years, R/o Sunrise Tower - III, Flat No. 304, Talapara, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, Government Of Chhattisgarh, Transport Department, Mantralaya, Raipur, Chhattisgarh
2. The Regional Transport Authority Bilaspur, Chhattisgarh
3. Ishteyaq Ahmed S/o Shri Rafique Ahmed By Occupation Bus Operator, R/o Ward No. 10, Rajeev Gandhi Chowk, Talapara Road, Bilaspur, District Bilaspur, Chhattisgarh
4. Jai Bajrang Bus Service Through Its Proprietor Shri Dinesh Kumar Agrawal Main Road Lakhanpura, Sarguja, Chhattisgarh
5. A. K. Shukla Bus Operator, Navagarh, Barra Champa, Janjgeer, District Janjgir, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shailendra Kumar Bajpai with Mr. Subodh Pandey, Advocates
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.12.2019**

1. The challenge in the present writ petition is to the order dated 28.08.2019 passed by the respondent no.2, the Regional Transport

Authority, Bilaspur. Vide the said order, the respondent no.2 has refused to grant a regular stage carriage permit on the route Gidori to Chirmiri via Shivnaraini, Amora, Janjgir, Champa, Korba, Katghora for one single trip daily. Since the application was not considered for a long time, the petitioner rushed to the High Court vide WPC No. 2547/2009 and the writ petition was disposed of vide order dated 25.07.2019 directing the respondent no.2 to consider and decide the said application within a period of 30 days. Pursuant to which, the impugned order has now been passed on 28.08.2019 whereby the respondent no.2 has rejected the application of the petitioner. Being aggrieved by the said order, the present writ petitioner has been filed.

2. What has to be seen is that under the law, there is a mechanism provided for challenging an order passed by the Regional Transport Authority. When there is an alternative statutory remedy provided under the Act, it is not expected that the party should rush to the High Court for availing the writ jurisdiction of this Court. It is by now a well settled proposition of law that a person should approach the High Court only after all other statutory remedies are exhausted or in a case where there is no other statutory remedy available and it is only then that the writ Court can entertain a writ petition exercising the power of judicial review.
3. In the instant case, the petitioner has a right to prefer an appeal before the STAT under Section 89 of the Motor Vehicles Act, 1988. More so, the respondent no.2, in its order, while rejecting the application, had specifically mentioned that in the event the parties are aggrieved of the order passed by respondent no.2, they would be at liberty to prefer the

remedy of appeal before the STAT.

4. Only because the Writ Court has power of entertaining a writ petition under the purview of judicial review against an order passed by the State Authority, it should not be exercised as a matter of routine particularly when there is an alternative statutory remedy available and which is also efficacious. In the event the parties avoid preferring an appeal and rush to the High Court for exercising the writ jurisdiction, the very purpose of enactment of an appellate provision or creation of an appellate body gets defeated and the provisions become redundant.
5. For the aforesaid reasons, the present writ petition on the ground of there being an alternative statutory remedy available to the petitioner, it stands disposed of.
6. Subject to the petitioner filing an appeal within a period of 15 days from today, the appellate authority is expected to decide the same in accordance with law within a further period of 60 days. It is made clear that this Court has not expressed any opinion on the merits of the case. In the event the appeal is filed within 15 days from today, the period consumed by the petitioner before the High Court in the filing of the present writ petition and the period till preferring the appeal, if any, by the petitioner within the stipulated period, shall stand condoned in view of the provisions of Section 14 of the Limitation Act.

Sd/-
P. Sam Koshy
Judge