

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 464 of 2020****Reserved on : 12/02/2020****Delivered on : 26/02/2020**

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. The State Of Chhattisgarh Through The Principal Secretary, Government Of Chhattisgarh, Transport Department, Mantralaya, Raipur Chhattisgarh.
2. The Regional Transport Authority (Transport Commissioner) Chhattisgarh, Indiravati Bhawan, Atal Nagar, New Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shailendra Kumar Bajpai, Advocate
For State	:	Mr. Somkant Verma, P.L.
For Intervenor	:	Mr. Bhavesh Acharya and Mr. Anshul R. Shrivastava, Advocates

Hon'ble Shri Justice P. Sam Koshy**C.A.V. Order**

1. The present writ petition has been filed seeking for the following relief:

“10.1 The Hon'ble Court may kindly be pleased to issue a writ of mandamus directing the respondent No.2 to grant permission to the petitioner to ply his vehicle on the strength of regular Stage Carriage Permit bearing No. SCP/743/B/2019 in the absence of countersignature of permit.”

2. The brief facts of the case is that the petitioner is basically a Transporter carrying on the transport business. For the purpose of operation of his transport business, regular permit is required from the Transport Authorities. Initially the petitioner had filed an application for grant of regular stage carriage permit on the route from Bilaspur to Lendra via Masturi, Mulmula, Pamgarh, Shivrinarayan, Baramkela and back one trip daily. The petitioner had deposited the

prescribed fees and documents as is required under Rule 72 of the Motor Vehicle Rules before the then existing Regional Transport Authority, Bilaspur. The Regional Transport Authority, Bilaspur considering the application of the petitioner granted the regular Stage Carriage Permit bearing No. SCP/743/B/2019 for the aforesaid route. However, the permit was issued with a condition that the same would require counter signature of the Regional Transport Authority, Raipur. The reason for getting the counter signature from the Regional Transport Authority, Raipur was on account of the fact that the permit sought for was for operation of the bus inter-district and part of the route was falling under the Regional Transport Authority, Raipur.

3. On 27.12.2019 the State Government published a notification whereby the system of having a Regional Transport Authority at different regions have been abolished and the State Government introduced the system of there being only one Regional Transport Authority for discharging the duties for the entire State of Chhattisgarh.
4. Before the publication of the aforesaid notification, the counter signature from the Regional Transport Authority Raipur was not obtained and meanwhile the notification dated 27.12.2019 was published and the whole power of issuance of a permit now vests with the Regional Transport Authority, Raipur.
5. Now the contention raised by the petitioner is that since after the notification dated 27.12.2019, all the Regional Transport Authorities have been abolished except for one at Raipur, there is no further need for a counter signature from another Regional Transport

Authority, therefore, the petitioner should be permitted to ply his buses with the aforementioned permit. According to the petitioner, the application for obtaining the counter signature was moved by the petitioner before the Regional Transport Authority, Raipur on 16.07.2019, however the Regional Transport Authority, Raipur did not pass any order on the said application. This lead to the petitioner filing a writ petition i.e. WPC No. 3675/2019 which was disposed of on 16.10.2019 directing the Regional Transport Authority, Raipur to consider and decide the application of the petitioner within 30 days.

6. Subsequently, a hearing also took place on the said counter signature proceedings on 17.12.2019, but no order was passed thereon. Meanwhile, the notification dated 27.10.2019 was published abolishing all Divisional Regional Transport Authorities and centralized the same by appointing the Transport Commissioner to also act as the Regional Transport Authority for the entire State of Chhattisgarh. According to the petitioner, now that the system having being dropped and there being no Regional Transport Authority at divisional level, the requirement of counter signature has lost its relevance. Therefore the permit which was earlier issued to the petitioner be treated as a valid permit and the petitioner be permitted to operate his bus on the said permit. The further contention of the petitioner is that the Regional Transport Authority, Raipur in the changed circumstances also does not have a power to review the order passed by the Regional Transport Authority, Bilaspur, who has issued the regular Stage Carriage Permit No. SCP/743/B/2019.

7. The counsel appearing for the State as well as the counsel appearing for the Intervenor however opposing the petition submits that the earlier permit which was issued to the petitioner was not a valid document as under the then prevailing system, there was a requirement of a counter signature in respect of all those buses, which were operating inter-district and where the route fell within the jurisdiction of more than one Regional Transport Authority. According to the counsel for the respondents and the Intervenor, in the instant case the route for which the petitioner had applied and for which the Regional Transport Authority, Bilaspur permitted was covering areas, which came under the jurisdiction of more than two Regional Transport Authorities that was Regional Transport Authority, Bilaspur as well as Regional Transport Authority, Raipur, therefore it was ordered by the Regional Transport Authority, Bilaspur that unless the permit was duly counter signed by the concerned Regional Transport Authority, Raipur also, it cannot be deemed to be a valid permit. According to the respondents, since as per the order of this Court in WPC No. 3675/2019 dated 16.10.2019, the Regional Transport Authority, Raipur having already heard the matter finally, there is nothing further, which needs to be done at this juncture and it is expected that the Regional Transport Authority shall take a decision very soon or the Regional Transport Authority may be directed to pass an appropriate order at the earliest and thus prayed for the rejection of the petition or disposal of the same with certain observations to the Regional Transport Authority, Raipur.
8. Having heard the contentions put forth on either side and on perusal of record, what is not in dispute is the fact that the route on which the

petitioner had applied was such which partly fell under the jurisdiction of the Regional Transport Authority, Bilaspur and part of the route was under the jurisdiction of the Regional Transport Authority, Raipur.

9. Further, the permit which has been granted by the Regional Transport Authority, Bilaspur was also conditional to the extent of the same being valid only after being duly counter signed by Regional Transport Authority, Raipur. The fact that there was a condition attached to it would itself establish that it was by itself not an independent document, which could be termed as valid. Moreover, the Regional Transport Authority, Bilaspur at that point of time did not have the power to grant permit in respect of areas, which were outside the territorial jurisdiction of the Regional Transport Authority, Bilaspur. The aforesaid fact being undisputed and also taking note of the earlier direction that this Court had directed in WPC No. 3675/2019 decided on 16.10.2019, it has been informed that the matter is already seized by the Regional Transport Authority, Raipur and the matter also stands finally closed after hearing and it is only a formal order which has to be passed.
10. Since the document Annexure P/1 the permit issued by the Regional Transport Authority, Bilaspur without the counter signature of the Regional Transport Authority, Raipur is of no relevance and without the counter signature the document would not be valid as is evident from the endorsement made by the Regional Transport Authority, Bilaspur itself, the petitioner cannot be permitted to operate his bus with the conditional permit issued to the Regional Transport Authority, Bilaspur without the counter signature of Regional Transport

Authority, Raipur. True it is that since a Stage Carriage Permit has already been issued by the Regional Transport Authority, Bilaspur, there is no provision, under which the said order could now be reviewed by another Authority, nor can the petitioner be forced to go in for an issuance of a fresh permit. Admittedly, vide the notification dated 27.12.2019, it is the Regional Transport Authority, Raipur, who has now to take all such decisions for issuance of the Stage Carriage Permit and he was himself the authority who was earlier directed by this Court to pass an order on the application seeking counter signature.

11. Admittedly, the stage carriage permit issued in favour of the petitioner at the first instance was not a complete document in itself, in as much as it required the counter signature from the Regional Transport Authority, Raipur since a portion of the route over which the bus was to be operated fell under the jurisdiction of the Regional Transport Authority, Raipur. In view of the fact that the permit on the basis of which the petitioner is claiming his relief was not a complete permit, this Court would find it difficult in permitting the petitioner to operate his bus with the said permit. As a consequence, there would be only two options available to the petitioner, i.e. either the petitioner goes in for a fresh permit altogether or in the alternative, direct the Regional Transport Authority, Raipur to take a decision on the application for counter signature pending before him.
12. It would be relevant at this juncture to take note of an order of the Transport Commissioner dated 24.01.2020 produced before this Court during the course of the arguments by the State counsel that

the Transport Department has already taken steps to ensure that all those applications for counter signature pending before the different regions will be taken up and decided as per the schedule given in the said order dated 24.01.2020.

13. Given the said facts by the State counsel, this Court is of the opinion that the second option available to the petitioner would be the more appropriate order that could be passed by this Court at this juncture. Moreover, the Regional Transport Authority, Raipur has already heard the matter and only an order has needs to be passed on the application for counter signature.
14. Since Annexure P/1-the permanent Stage Carriage Permit being issued under the situation existing prior to 27.12.2019 and this Court also in WPC No. 3675/2019 decided on 16.10.2019 had directed the Regional Transport Authority to take a decision on the application for counter signature and the proceedings also having being concluded, this Court is of the opinion that in the given facts and circumstances of the case where the application for counter signature is pending consideration before the different Regional Transport Authorities, all such applications be taken up by the Regional Transport Authority, Raipur and on priority basis may decide all these applications at the earliest including that of the petitioners.
15. So far as the case of the petitioner is concerned, since the matter also stands heard and reserved for orders, this Court is of the opinion that ends of justice would serve if the respondent No.2-Regional Transport Authority, Raipur is directed to pass an order at the earliest

preferably within a period of 15 days from the date of receipt of the copy of this order, so as to avoid any further complications. It is ordered accordingly.

16. With the aforesaid observations, the present writ petition stands disposed of holding that as of now the petitioner cannot be permitted to operate his bus with the conditional permit granted by Regional Transport Authority, Bilaspur.

Sd/-
(P. Sam Koshy)
Judge

Ved