

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 1064 OF 2020**

Principal, Loyala School, Rajiv Vihar, Seepat Road, SECL-Post Bilaspur, CG State

... Petitioner**versus**

1. State of CG, through Secretary, Ministry of Transport, Secretariat, Atal Nagar, Naya Raipur, Raipur, District Raipur (CG)

2. Regional Transport Officer, Bilaspur.

... Respondents

For Petitioner : Dr. Veena Nair, Advocate.

For Respondents : Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/05/2020**

1. Grievance of the Petitioner in the present Writ Petition is the non-acceptance of the application along with necessary documents filed by the Petitioner for grant of permit for running two buses belonging to the Petitioner, bearing Registration No. CG10-G/0390 and CG10-G/0253.

2. According to the learned Counsel for the Petitioner, the Petitioner has been orally instructed by the Respondents that the permit cannot be issued as the buses have outlived their life of more than 12 years which is the outer limit fixed by the State Government for grant of permit.

3. Learned Counsel for the Petitioner refers to a bunch of writ petitions disposed of by the Division Bench of this High Court, leading case of which was WPC No. 2004 of 2017 titled as " Dr. Sandeep Jain Vs. State of Chhattisgarh & Others", decided on 26.7.2018, whereby the Division Bench has struck down the notification of the State Government, dated 8.2.2017, holding it to be *ultra vires* to Section 59 of the Motor Vehicles Act, 1988.

4. As per the learned Counsel for the Petitioner, in view of the notification dated 8.2.2017 getting struck down by the Division Bench, the said provision does not have any force of law any further and there is no further impediment on the part of the State Government for not issuing the permit to the Petitioner.

5. Learned Additional Advocate General, at this juncture, submits that from perusal of the pleadings there does not appear to have any order passed by the Respondents refusing to issue permit, except for the alleged oral submission referred to in the present Writ Petition.

6. Given the fact that the notification dated 8.2.2017 passed by the State Government having been struck down by the Division Bench and there being no written order by the Respondents refusing to grant permit to the Petitioner, this Court is of the opinion that the present Writ Petition can be disposed of directing the Respondent No.2 to take a decision on the application submitted by the Petitioner for grant of permit for the operating of the aforementioned two buses. Let a decision in this regard be taken by the Respondent No.2 at the earliest.

7. The Writ Petition accordingly stands disposed of with the above direction.

**Sd/-
(P. Sam Koshy)
JUDGE**

/sharad/