

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 1940 of 2020

1. Sayyad Anwar Ali Son Of Sayyad Ahmad Ali, Aged About 43 Years
C/o. Royal Travels, Shop No. 03, Pagaria Complex, New Bus Stand,
Pandri, Raipur, District Raipur (C.G.),

---- Petitioner

Versus

1. State Of Chhattisgarh Throuh Secretary, Department Of Transport,
Mahanadi Bhawan, Atal Nagar, Naya Raipur, District - Raipur
(Chhattisgarh),
2. Transport Commissioner, Chhattisgarh, Indravati Bhawan, Atal
Nagar, Naya Raipur, District - Raipur (Chhattisgarh),
3. Regional Transport Authority / Taxation Authority, In Front Of Banjari
Mata Mandir, Rawabhata, Raipur, District - Raipur (Chhattisgarh)

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---- Respondents

For Petitioner	:	Mr. Ajay Pal Singh, Adv.
For State	:	Mr. Raghvendra Verma. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.10.2020

1. The grievance of the petitioner in the present writ petition is the oral refusal by the respondents in not permitting to transfer two buses of the petitioner bearing registration Nos. CG 04E 4080 and CG 04 HG 0786 on the ground that the petitioner has not paid the taxes against the said buses.
2. The contention of the petitioner is that after getting renewal of his permit on 13.06.2018 and 12.08.2018 respectively in respect of the aforesaid two buses, the condition was put of getting countersignature by the concerned authorities of the other District/State.
3. However, the countersignature could not be obtained and therefore

the petitioner during the said period could not ply his vehicle. Since he has not plied his vehicle during the said period, he would not be liable for payment of any tax to the authorities and therefore non-payment of such tax should not come in the way of the authorities permitting to transfer of those vehicles in the name of a new firm.

4. Perusal of the proceedings, it appears that there is no written order so passed by the respondent-authorities in this regard and on the contrary, the petitioner has already approached the respondents in respect of his grievance, who have also till date not taken a decision on the same.
5. Given the said facts, let the respondents' no. 2 & 3 before whom the petitioner has already made a representation and the petitioner also has a liberty of further making a fresh representation within a period of 15 days from today and the respondents' no. 2 & 3 in turn shall decide the representation of the petitioner at the earliest preferably within a period of 45 days from the date of receipt of the representation by the petitioner. While deciding the same, the respondent-authorities shall pass an order keeping in view the statutory position as it stands by passing a speaking order.
6. The present writ petition accordingly stands disposed off.

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