

HIGH COURT OF CHHATTISGARH, BILASPURWA No.256 of 2020

1. Bhopendra Sahu, S/o Shri Anand Prakash Sahu, Aged About 25 Years R/o House No.81, Nayapara Ward No. 12, Bemetara, District Bemetara Chhattisgarh.

---- Appellant

Versus

1. Rajesh Dewangan, S/o Ramadhin Dewangan, Aged About 52 Years R/o Jayant Mandir, Simga, Tahsil Simga, District Baloda Bazar Bhatapara Chhattisgarh.
2. Rajesh Tiwari, S/o Lalman Tiwari, Aged About 40 Years R/o Bemetara, Tahsil And District Bemetara Chhattisgarh.
3. State Of Chhattisgarh Through Secretary, Department Of Transport, Mahanadi Bhawan, Atal Nagar, New Mantralaya Raipur, District Raipur Chhattisgarh.
4. Regional Transport Authority, Durg Division Durg, District Durg Chhattisgarh Now Regional Transport Authority Of Chhattisgarh At Mantralaya Raipur (CG),

---- Respondents

WA No. 257 of 2020

1. Ramgopal Sahu S/o Shri Jivrakhan Lal Sahu Aged About 50 Years Resident Of 48/2, Nayapara Ward No. 12, Bemetara, District Bemetara, Chhattisgarh

---- Petitioner

Versus

1. Durmila Bharti W/o Lekhram Bharti Aged About 53 Years Resident Of Durg Road, Bemetara, Tahsil And District Bemetara Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Department Of Transport, Mahanadi Bhawan, Atal Nagar, New Mantralaya Raipur, District Raipur, Chhattisgarh

3. Regional Transport Authority Durg Division Durg, District Durg, (Chhattisgarh) Now Regional Transport Authority Of Chhattisgarh At Mantralaya Raipur (CG).

---- Respondents

For Appellants:	Shri Ajay Shrivastava & Shri G.P. Mathur, Advocates
For Respondent/ State:	Shri Gagan Tiwari, Dy. Govt. Advocate
For Private Respondents: (writ petitioners)	Shri Shailendra Bajpai & Shri Subodh Pandey, Advocates

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Smt. Rajani Dubey, J.

Order On Board

By

Prashant Kumar Mishra, Ag. CJ.

23-09-2021

1. Since the common facts and grounds involved in both the writ appeals, they are being considered and decided by this common order.
2. On appellant's (Bhopendra Sahu) application for grant of permit for the route Raipur to Silhati via Simga, Bemetara, Thankhamariya, Charbhata, Silhati and one return trip daily and on appellant's (Ramgopal Sahu) application for grant of permit for the route Silhati to Raipur via Charbhata, Thankhamariya, Bewetara, Simga and return one trip daily, they were allowed permit on 30-9-2019, however, in the said orders the timing for operation was different than what was proposed in the permit applications.
3. On the ground that the writ petitioners (respondents No.1 & 2 in WA No.256 of 2020 and respondent No.1 in WA No.257 of

WA Nos.256 & 257 of 2020
2020) were not heard by the authority before allowing permit for a different timing, their rights have been effected, the learned Single Judge, by the impugned orders passed in WPC No.520 of 2020 & 414 of 2020, has quashed the orders dated 30-9-2019 (Annexure – P/1 to both WPC) and relegated the parties to appear before the Transport Commissioner/Regional Transport Authority (RTA), who will decide the matter in accordance with law.

4. While the appellants were allowed to operate the 'Bus' during pendency of the writ appeals, the proceedings to be undertaken by the RTA pursuant to the impugned orders passed by the learned Single Judge was not stayed. Therefore, the RTA heard the parties and has passed the order 8-2-2021 (Anneuxres – R/1-1 in both WAs) rejecting the permit application.
5. In view of the above, both the writ appeals have been rendered infructuous, therefore, the same are disposed of with liberty to the appellants to challenge the order dated 8-2-2021 (Anneuxres – R/1-1 in both WAs) by preferring appeal under Section 89 of the Motor Vehicles Act, 1988 before the State Transport Appellate Tribunal (STAT) within a period of one (01) week from today and thereafter, the STAT shall consider and decide the same, in accordance with law and on its own merits, as early as possible preferably within a period of eight (08) weeks.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge

Gowri