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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4766 of 2021

Smt. Alka Gupta, W/o. Shri G. P. Gupta, aged about 48 years, R/o. Pratapganj Ward Jain Mandir Road Jagdalpur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Secretary, Department Of Transport Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur District Raipur Chhattisgarh.
2. Regional Transport Authority, Bastar Division Bastar, Jagdalpur Chhattisgarh.
3. M/s Dubey Travels, Through Partner Bhavesh Dubey Heera Arkend Pandri Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Ajay Shrivastava, Advocate
For State-Respondents	: Mr. S.C. Verma, Advocate General with Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/11/2021

1. It is submitted by the learned counsel for the petitioner that the petitioner is a bus operator. She applied for regular permit from Raipur to Sukma, which has been granted by respondent authorities for the period between 08.12.2016 to 07.12.2021. The private respondent challenged the grant of permit to the petitioner, before State Transport Appellate Tribunal (In short 'STAT') on the ground of timing, on which, the petitioner was permitted to ply her buses. The learned STAT by the impugned order dated 25.08.2021, has disposed off the appeal, in which, it is observed that after the termination of the validity of the permit granted to the petitioner, the same shall not be renewable. It is submitted that the learned STAT does not have any such authority to

order restraining the renewal of the permit. Reliance has been placed on the order of this Court in the case of M/s. Manish Travels Vs. Regional Transport Authority and another in W.P.(227) No 653 of 2014 and batch of other petition decided on 20.08.2018, therefore, the impugned order is arbitrary and unsustainable.

2. Learned State counsel representing respondent No.1 and 2 opposes the submissions and submits that there is no infirmity in the impugned order passed by the learned STAT.
3. Considered on the submissions and perused the documents filed along with the petition. The grant of permit to stage carriage is regulated by Chapter-V of the Motor Vehicle Act, 1988. Section 72 of the M.V. Act, 1988 regulates the grant of stage carriage permit, therefore, it is the jurisdiction of the Regional Transport Authority. Section 81 of the Act, 1988 provides for renewal of stage carriage permit. Regional Transport Authority or State Transport Authority as the case may be is empowered either to allow or reject the application for renewal of permit. The learned STAT had not made any mention of any provisions of law, rule or regulation in support of the order passed placing restraint on the renewal of the permit issued to the petitioner. Hence, this order of the learned STAT is certainly against the provisions of law and also against the constitutional provision. Hence, the impugned order is not sustainable. Hence, this petition is disposed off at motion stage. The order of the learned STAT to the extent of which it restrains the petitioner to apply for renewal of the permit, is quashed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge