

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 16803 OF 2022

Mohan Kumar Mohanty ***Petitioner***

Mr. Arjuna Charan Behera, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Pravakar Behera, Standing Counsel
(For Transport Department)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

15.07.2022

Order No.

6. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Opposite Parties, more particularly to the Opposite Party Nos.6 to 8, to provide adequate protection to the Bus (stage carriage) of the Petitioner for its smooth running as per the permit granted by the State Transport Authority, Odisha, Cuttack-Opposite Party No.2.
3. Mr. Behera, learned counsel for the Petitioner submits that the Petitioner is the registered owner of Bus (stage carriage) bearing Registration No.OD-19-N-5574. The State Transport Authority, Odisha, Cuttack has issued a permit for plying the Bus of the Petitioner from Talcher to Bolangir, which is valid up to 14th May, 2027. However, the private Bus Owners' Associations of Boudh, Sonapur and Bolangir districts are obstructing its smooth running. In that regard, the Petitioner has made grievance petitions before the Superintendent of Police of all the three districts, but to no effect. Hence, this writ petition has been filed for the aforesaid direction.

4. Mr. Behera, learned Standing Counsel for the Transport Department submits that there is no material on record to show that the Petitioner has lodged any F.I.R. with regard to the alleged obstruction created by the Private Bus Owners' Associations of all three districts, namely, Opposite Party Nos.6 to 8. However, the Opposite Party Nos.6 to 8 being the private Bus Owners' Associations, no writ of mandamus can be issued against them. Hence, he prays for dismissal of the writ petition.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that no writ of mandamus can be issued against Private Bus Owners' Associations-Opposite Party Nos.6 to 8 directing them not to create any obstruction in smooth plying of the Bus of the Petitioner.

6. The Petitioner, if so advised, may move the appropriate authority for redressal of his grievances.

7. This writ petition is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks