



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1441 of 2021

1 - Sanjay Singh S/o Shri Matabux Singh Aged About 45 Years
Occupation Bus Operator, R/o Lmlipara, Bilaspur, Chhattisgarh., District
: Bilaspur, Chhattisgarh

... Petitioner

versus

1 - The State Of Chhattisgarh Through Its Secretary, Department Of
Transport Mantralaya, Raipur, C.G., District : Raipur, Chhattisgarh

2 - Regional Transport Authority Chhattisgarh, Atal Nagar, 27 Sector,
Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Tushanlal Sahu Bus Operator, R/o Near Bus Stand Gram Kutwa,
P.S. Palari, District- Balodabazar, Chhattisgarh., District : Balodabazar-
Bhathapara, Chhattisgarh

... Respondent(s)

(Cause Title is taken from CIS System)

For Petitioner : Mr. Sahilendra Kumar Bajpai, Advocate

For State : Mr. Sangharsh Pandey, Government Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/04/2026

1. The petitioner has filed this writ petition seeking following reliefs :

*"A. The Hon'ble Court may kindly be
graciously pleased to issue a writ of*

certiorari quashing the impugned order dated 1.7.2020(Ann. P/4), passed by respondent no.2.

B. Any other relief which the Hon'ble court deem, fit and proper looking to the facts and circumstances of the case in favour of the petitioner.”

2. Facts of the case, as projected in the petition, are that the petitioner applied for grant of a regular stage carriage permit on the route Bilaspur to Jashpur via Pamgarh, Gidhori and Sarsiva along with all requisite documents and prescribed fees under the provisions of the Motor Vehicles Act and the Rules framed thereunder. It is submitted that since the said route falls within the jurisdiction of more than one Regional Transport Authority, the petitioner initially approached the competent authority where the major portion of the route lies, i.e., R.T.A. Bilaspur. The said authority, after considering the application and objections, granted the permit vide order dated 22.04.2019, subject to the condition of obtaining countersignature from the concerned authority. Pursuant thereto, the petitioner applied for countersignature of the said permit before the competent authority along with all necessary documents and fees. The matter was taken up for consideration and even heard; however, due to subsequent restructuring of transport authorities in the State and transfer of powers to the State Transport Authority (Transport Commissioner, Chhattisgarh), the application remained pending and was ultimately rejected vide

order dated 01.07.2020. It is further the case of the petitioner that despite the application having been filed and taken up for consideration, the same has not been properly adjudicated and the petitioner has been deprived of the benefit of the permit for a prolonged period. It is also submitted that due to administrative changes and subsequent developments, considerable time has elapsed and the petitioner continues to suffer on account of non-grant of effective permit.

3. Learned counsel for the petitioner submits that the present matter essentially relates to grant of permit wherein countersignature by the competent authority is required. It is contended that the petitioner had duly filed an application for grant of countersignature along with all necessary documents and fees, and the same was also taken up for consideration by the authority. However, it is submitted that despite lapse of considerable time, the application has not been effectively decided in accordance with law. Learned counsel further submits that due to passage of time, which is approximately five years, the petitioner seeks liberty to file a fresh application along with the earlier application and relevant documents before the competent authority. It is therefore prayed that this Court may direct the concerned Regional Transport Authority/State Transport Authority, Chhattisgarh to consider and decide the application of the petitioner, particularly in terms of Section 81 of the Motor Vehicles

Act, within a reasonable and expeditious period. Learned counsel emphasizes that the petitioner is engaged in transport business and delay in grant of permit is causing serious prejudice and loss of livelihood, and therefore, appropriate directions may be issued for early decision of the application.

4. Learned State counsel submits that the State has no objection if the petitioner is permitted to file a fresh application along with all relevant documents before the competent authority, and the same may be considered in accordance with law.
5. I have heard learned counsel for the parties and perused the material available on record.
6. The undisputed facts of the case reveal that the petitioner had applied for grant of a regular stage carriage permit and the same was granted by the competent authority subject to countersignature. Thereafter, the petitioner applied for countersignature before the competent authority; however, due to subsequent restructuring of the transport authorities and other administrative reasons, the matter could not attain finality and ultimately resulted in rejection of the application. It is also apparent that considerable time has elapsed in the interregnum.
7. Learned counsel for the petitioner, at this stage, fairly submits that instead of pressing the challenge to the impugned order, the petitioner would be satisfied if liberty is granted to file a fresh application along with earlier application and relevant documents,

and a direction is issued to the competent authority to consider and decide the same expeditiously in accordance with law.

8. Considering the aforesaid submissions and taking into account the fact that the matter pertains to grant of permit affecting the livelihood of the petitioner, this Court deems it appropriate to dispose of the present petition with suitable directions. Accordingly, the petitioner is permitted to file a fresh application along with all relevant documents and copy of the earlier application before the competent authority. Upon such application being filed, the authorities concerned are directed to consider and decide the same, preferably in terms of the provisions contained under Section 81 of the Motor Vehicles Act, within a period of 45 days from the date of filing of such application.
9. It is made clear that this Court has not expressed any opinion on the merits of the case and the competent authority shall take an independent decision uninfluenced by any observation made herein.
10. With the aforesaid directions and observations, the writ petition stands disposed of.

No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna