



2026:CGHC:13353



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPC No. 1200 of 2026

Shiv Kumar Porte S/o Jitan Say Aged About 44 Years R/o Kharkata, Pathalgaon,  
Tehsil- Jashpur, District- Jashpur (C.G.)

... Petitioner

versus

The Regional Transport Authority Indravati Bhawan, Atal Nagar, Nawa Raipur,  
District- Raipur (C.G.)

... Respondent

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|----------------------|---|---------------------------------------|
| For Petitioner       | : | Mr. Rahul Mishra, Advocate            |
| For Respondent/State | : | Mr.Sabyasachi Choubey, Govt. Advocate |

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**(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**

### Order on Board

**19/03/2026**

1. This Writ Petition under Article 226 of the Constitution of India, has been filed for the following reliefs:-

**"10.1** That, this Hon'ble Court may kindly be pleased to call the entire records pertaining to case of petitioner.

**10.2** That, this Hon'ble Court may kindly be pleased to set-aside the impugned order dated 03.02.2026 and direct the respondent to consider and decide the application of petitioner for change of timing of permit, in compliance of provision under Sub-section 2 of the Section 80 of the Motor Vehicles Act, 1988, in the interest of justice.



**10.3** Any other relief, which this Hon'ble Court may deem fit in favour of the petitioner, may also be granted."

2. Learned counsel for the petitioner submits that the petitioner is challenging the order dated 03.02.2026 (Annexure P/1) whereby the respondent has rejected the application of the petitioner filed under Section 80(3) of Motor Vehicle Act, 1988 (for short 'the Act 1988') for change of timing of permit. It is respectfully submitted that, the petitioner had filed application for change of timing of permit on the route from Pathalgaon to Jashpur via Tamta & Kansabel and one trip back through his Bus bearing Registration No.CG 14-MN-1092, after depositing fees before the respondent, but without complying the mandatory provision under sub-section 2 of Section 80 of the Act 1988, the respondent has rejected application of the petitioner.
3. Learned State counsel opposes the submission of the counsel for the petitioner.
4. Heard learned counsel for the respective parties and perused the record.
5. The challenge to the said order is primarily on the ground that the respondent/Authority has not strictly adhered to the procedure as is otherwise required and laid down under Section 71 of the Act 1988, so also have not granted due and fair opportunity of hearing to the petitioner, which is required under Section 80 of the Act 1988.
6. From plain perusal of the second proviso of sub-section 2 of Section 80 of the Act 1988, there is a requirement of the Authorities to first apply his mind in deciding the application under Section 72 of the Act 1988 and in the event, if authorities find that the application cannot be permitted or was inclined to be rejected, the same i.e. intention of the rejection of the same has to be communicated to the applicant concerned and an opportunity of hearing has to be given keeping in consonance Sub-section 2 of the Section



71 of the Act 1988, where the authorities can grant an opportunity of hearing to the applicant concerned for amending the time table if they so want. So that his application and objections can be considered in that regard.

7. This exercise perhaps has not been undertaken by the respondent/Authority while passing the impugned order dated 03.02.2026 (Annexure P/1). The plain perusal of the impugned order also does not reflect that the requirement of the proviso to the sub-section 2 of Section 71 of the Act 1988 has also a requirement of the proviso under sub-section 2 of the Section 80 of the Act 1988 having been complied with or adhered to in the process of passing of the impugned order Annexure P/1.
8. Though from the plain reading of the impugned order, it appears that petitioner was permitted to participate in the virtual hearing while deciding the application but the mandatory requirement which is otherwise required as stipulated in the preceding paragraphs under Section 71 and Section 80 of the Act 1988 has not been complied with.
9. For the aforesaid reasons, the impugned order is not sustainable and the same deserves to be and is accordingly set aside. The matter is remitted back to the Regional Transport Authority so as to provide an opportunity of hearing to the petitioner on his application for change of timing in terms of the requirement under Proviso to sub-section 2 of Section 80 of the Act 1988 and also keeping in view the proviso to sub-section 2 of Section 71 of the Act 1988.
10. The respondent Authority is also expected to take an appropriate decision afresh after hearing the concerned parties to the proceedings including the objectors who had participated in the proceeding at the first instance and an order be passed within an outer limit of 60 days from the date of receipt of a copy this order.



11. With the aforesaid observation/direction, prayer of the petitioner is allowed  
and writ petition stands disposed of.
12. Pending interlocutory application(s), if any, stands disposed of.

Sd/-  
(Naresh Kumar Chandravanshi)  
Judge