

(2016) 11 RAJ CK 0023

In the Rajasthan High Court

Case No : Civil Writ Petition No. 8245 of 2016 (With Stay Application No. 7452 of 2016)

Pramod Singh Sisodiya

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 03-11-2016

Acts Referred:

Constitution of India, 1950 — Article 226
Motor Vehicles Act, 1988 — Section 89(1)

Citation : (2017) 1 WLN 66

Hon'ble Judges : Mr. Mohammad Rafiq, J.

Bench : Single Bench

Advocate : Mr. Satish Khandelwal, Advocate, for the Petitioner; Mr. Neeraj Kumar Bhatt, Additional Government Counsel, for the Respondents

Final Decision : Dismissed

Judgement

Mr. Mohammad Rafiq, J. - Petitioner has filed this writ petition for a direction to the respondents to counter sign the permit No. 1496/STA/STAGE/14(I) and SCP No. 051346/STA/STG/20 valid up to 14.10.2019 for Jhansi to Jaipur via Sheopur Kalan route and permit the petitioner to ply the bus on the basis of permit held by him. Further prayer is made for restraining the respondents from interfering with the plying of the vehicle by the petitioner over the route in question from the bus stands maintained by the State Transport Department in the State of Rajasthan.

2. It is contended that the petitioner is registered owner of the vehicle No. RJ-20-PB-0108 Model 2012 with a seating capacity of 52 in all. The State Transport Authority, Gwalior, vide order dated 10.10.2014, granted one non-temporary stage carriage permit to the petitioner for Jhansi to Jaipur via Sheopur route within the scope fixed under the agreement dated 21.08.2007 entered into between the State of Rajasthan and State of M.P. It was also agreed that due to some part of it lying in the State of U.P., this was included in the agreement with

the State of U.P. The Secretary, RTA, Gwalior, issued recommendation letter to its counter part in the State of Rajasthan recommending grant of counter signature in favour of petitioner. Petitioner accordingly approached the authority concerned in the State of Rajasthan but the said authority failed to counter sign the same despite depositing the requisite fee by the petitioner in the month of December, 2014. Thereafter, the petitioner again deposited fees on 31.05.2016 for counter signature and submitted relevant papers. It is further contended that the agreement provides for scope of 6:6 in favour of operators of the State of M.P. Under the agreement itself, the de-notification of the route in question has been mentioned but still the respondents are not de-notifying the route in question and petitioner being a nominee of the State of M.P., has right to get counter signature on the permit, which has been rightly issued by the State of M.P.

3. Learned Additional Government Counsel appearing for the respondents opposed the writ petition by filing reply thereto.

4. Having heard learned counsel for the parties and perusing the material on record, this court finds that the respondent no.2 has already rejected the application of the petitioner and refused to counter sign the permit of the petitioner. There is statutory remedy of appeal available to the petitioner before the State Transport Appellate Authority under Section 89(1) of the Motor Vehicles Act, 1988. There is no justification for entertaining the writ petition directly before this court on the ground of availability of alternative remedy.