

(2020) 08 JH CK 0261

Jharkhand High Court

Case No: Writ Petition(C) No. 5647 of 2019

Pramod Singh @ Pramod Kumar
Singh

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision: Aug. 27, 2020

Acts Referred:

- Motor Vehicles Act, 1988 - Section 82, 90
- Motor Vehicle Rules, 1989 - Rule 87

Hon'ble Judges: Rajesh Shankar, J

Bench: Single Bench

Advocate: Mitul Kumar, Vandana Singh

Final Decision: Dismissed

Judgement

1. The present case is taken up through video conferencing.

2. The present writ petition has been filed for quashing the order passed by the State Transport Authority, Jharkhand, Ranchi in its meeting dated

25.06.2019 (signed and made public on 08.07.2019) as contained in memo no. 1291/2013-1183 dated 08.07.2019 (Annexure- 5 to the writ petition) by

reasons of which the joint application filed by the petitioner and the respondent no. 4 for transfer of permanent passenger transport permit has been

rejected without considering the observations made by the State Transport Appellate Tribunal, Jharkhand, Ranchi in Transport Revision No. 11 of 2018.

3. Heard the learned counsel for the petitioner and Mrs. Vandana Singh, learned Sr.S.C.-III appearing on behalf of the State respondents.

4. It appears that the petitioner filed Transport Revision No. 11 of 2018 before the State Transport Appellate Tribunal, Jharkhand, Ranchi against the order dated 25.04.2018 passed by the State Transport Authority, Jharkhand, Ranchi whereby a joint application preferred by the petitioner and Kamta Prasad Singh (the respondent no.4) for transferring the transport permit no. P.St.S.13/97 in favour of the petitioner (earlier granted in favour of the respondent no. 4) was kept pending till the policy decision on the said issue was to be taken by the said authority. The State Transport Appellate Tribunal, Jharkhand, Ranchi, vide order dated 12.10.2018 allowed the Transport Revision No. 11 of 2018 observing as follows:-

Therefore, the revision petition is allowed and the order dated 25.04.2018 signed and made public on 14.05.2018 whereby the online application filed by the petitioner for transfer of permit no. P.St.S.13/97 was placed before the authority for decision but the authority resolved that the matter shall be kept pending till the authority take any policy decision is set aside. The matter is remanded back to the State Transport Authority for passing appropriate order as per Section 82, Rule 87 of the Motor Vehicle Act after hearing the parties as per law. Let the record of State Transport Authority be sent back.

5. The contention of the petitioner is that the State Transport Authority, Jharkhand, Ranchi vide impugned decision made public on 08.07.2019 has erroneously held that in the case of death of transport permit holder, the said permit can only be transferred to his dependent/heir and thus rejected the application seeking transfer of transport permit in favour of the petitioner.

6. Be that as it may. This Court is of the view that the petitioner has efficacious remedy of preferring revision against the impugned decision dated 08.07.2019 before the State Transport Appellate Tribunal, Jharkhand, Ranchi under Section 90 of the Motor Vehicles Act, 1988. On earlier occasion also, the petitioner being aggrieved with the order of the State Transport Authority, had moved before the State Transport Appellate Tribunal, Jharkhand, Ranchi. Even if the contention of the petitioner that the impugned decision taken by the State Transport Authority, Jharkhand, Ranchi is contrary to the observation made by the State Transport Appellate Tribunal, Jharkhand, Ranchi in its order dated 12.10.2018 passed in Transport

Revision No. 11 of 2018, is assumed to have some substance, he cannot be permitted to bypass the statutory remedy of filing revision before the State

Transport Appellate Tribunal, Jharkhand, Ranchi and to directly prefer a writ petition before the High Court under Article 226 of the Constitution of

India. Thus, the writ petition is not maintainable at this stage.

7. In view of the aforesaid discussion, the writ petition is dismissed as not maintainable. The petitioner is however at liberty to prefer revision before

the State Transport Appellate Tribunal, Jharkhand, Ranchi against the impugned decision taken by the State Transport Authority, Jharkhand, Ranchi in

its meeting dated 25.06.2019 (signed and made public on 08.07.2019) as contained in memo no. 1291/2013-1183 dated 08.07.2019. If the petitioner

prefers the revision before the State Transport Appellate Tribunal, Jharkhand, Ranchi within one month from the date of this order along with a

limitation petition, the delay caused in filing the revision petition shall be liberally considered by the State Transport Appellate Tribunal, Jharkhand,

Ranchi.