



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 20th OF SEPTEMBER, 2024

WRIT PETITION No. 27070 of 2024

SUBHASH BHAGORE

Versus

TRANSPORT DEPARTMENT AND OTHERS

Appearance:

Shri Arjun Agrawal - Advocate for the petitioner.

Ms. Mradula Sen- P.L./G.A. for the State.

Ms. Mini Ravindran- Advocate for the respondent No.3.

ORDER

Heard finally, with the consent of the parties.

2] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, against the order dated 02.09.2024, passed by the respondent No.2, Secretary, Regional Transport Authority, Indore. Admittedly, the remedy of appeal is available to the petitioner, but due to non-availability of the Chairman of the State Transport Appellate Tribunal, the present petition has been filed.

3] This petition has been filed by the petitioner against the order dated 02.09.2024, passed by the respondent No.2, whereby, the application for temporary permit of respondent No.3 for the route



Indore to Khatali has been allowed for the timings, *viz.*, departing Indore at 7:35 a.m., and arriving Khatali at 11:20 a.m. and departing from Khatali at 13:00 hours and arriving Indore at 17:10 hours.

4] The aforesaid order has been challenged by the petitioner on the ground that the petitioner holds a permanent permit on the same route, departing time at 7:45 a.m. and thus, it is assailed that the respondent No.3 has been granted temporary permit just ten minutes ahead of the petitioner's permanent permit, causing serious prejudice to the petitioner's financial interest.

5] Counsel for the petitioner has submitted that the order has been passed by the respondent No.2 only on the ground that on the time sought by the respondent No.3, there is no permit of the petitioner whereas, the petitioner's grievance was that the permit has been granted, which is ten minutes ahead of the petitioner's permanent permit. It is also submitted that there was also no emergent need of the permit and has relied upon the decision rendered by the Division Bench of this Court in the case of *Tansukhlal Talati Vs. State Transport Appellate Tribunal and Others*, reported as *I.L.R. [2012] M.P., 1872*, paras 8 and 9; as also the decision rendered by the Co-ordinate Bench of this Court in the case of *Suman Chaurasiya Vs, State of M.P. and Others* reported as *AIR 2024 MADHYA PRADESH 100*, para 6 and 7; and *M/s Mansarovar Bus Service Tikamgarh (Madhya Pradesh) Vs. State of M.P. and Others*, reported as *AIR 2024 MADHYA PRADESH 110*.

6] The prayer is opposed by the counsel for the respondent No.3



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and a reply has also been filed. It is submitted that the petitioner had also applied for a permit just ahead of the respondent's temporary permit for the same route and since the petitioner was not granted the temporary permit ahead of the respondent No.3 and in the recent agenda of the meeting also, the petitioner has sought temporary permit ahead of the petitioner's permanent permit and this fact has not been disclosed by the petitioner in the petition and only after his application was rejected, that he has challenged the respondent's permit.

7] It is also submitted that otherwise also, the respondent No.3's return trip from Khatali to Indore is more than one hour behind the petitioner's permit. It is also submitted that the judgements relied upon by the petitioner are also distinguishable. Thus, it is submitted that no prejudice would be caused to the petitioner.

8] In support of her submissions, counsel for the respondent No.3 has also relied upon the decision rendered by this Court in the case of *Ali Ahmad & Sons Vs. Regional Transport Authority, Bilaspur & Another*, reported as *1985 J LJ 183*; *Trivedi Bus Service Vs. Salma Bee w/o Mohd. Farooq* reported as *2018 (1) M.P.L.J. 212*; *Vivek Dwivedi and another Vs. Prem Narain and others*, reported as *AIR 1999 MP 1*; *Seema Arora Vs. State of M.P. & Another*, passed in *W.P. No.6777/2015* dated *25.05.2017* and *Sattar Khan Vs. Secretary, Regional transport Authority & Others*, passed in *W.P. No.6889/2020* dated *19.03.2020*.

9] In rebuttal, counsel for the petitioner has submitted that if the respondent No.3 is departing from Khatali at a certain time, that



time has been sought by the respondent No.3 himself. Thus, it cannot be made a ground that they are running behind the petitioner while coming back from Khatali.

10] Heard counsel for the parties and perused the record, as also the various decisions cited by the counsel for the rival parties.

11] A perusal of the record reveals that there is a time gap of ten minutes while going from Indore to Khatali, between the petitioner and the respondent No.3's vehicle, which is ahead of the petitioner's vehicle, whereas, in the return trip, the petitioner's vehicle is much ahead of the vehicle of the respondent No.3. It is also found that the petitioner had also applied for grant of temporary permit for the time 7:34 a.m. (Temporary permit), and in the latest agenda published for 26.09.2024, the petitioner is also seeking temporary permit for the same route viz., Indore to Khatali by again asking timing of 8:08 a.m., which is just ahead of the timing 8:15 a.m. of respondent No.3's permanent permit for Indore to Khatali, which clearly indicates that it is the general and normal practice of the bus operators to seek permits ahead of each other's permits.

12] Thus, when the petitioner had also sought permit just ahead of the respondent No.3's vehicle, in such circumstances, this Court is of the considered opinion that the petitioner cannot have any grievance that the respondent No.3's vehicle is running ahead of him within ten minutes gap. In such circumstances, this Court is of the considered opinion that no illegality or jurisdictional error has been committed by the Regional Transport Authority in passing the impugned order, and thus, no case for interference is made out.



13] So far as the decisions cited by the counsel for the parties are concerned, the same are distinguishable on facts and are of no avail to them.

14] Accordingly, the petition stands *dismissed*.

(SUBODH ABHYANKAR)
JUDGE

Bahar