

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.3709 of 2008

Date of decision:27.01.2015

Municipal Corporation, Chandigarh through its Chief Engineer.
... Petitioner

versus

Permanent Lok Adalat (Public Utility Services), Union Territory,
Chandigarh, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Ghai, Advocate,
for the petitioner.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? **Yes.**
2. To be referred to the reporters or not ? **Yes.**
3. Whether the judgment should be reported in the digest ? **Yes.**

K.Kannan, J. (Oral)

1. The Municipal Corporation, Chandigarh, is in challenge before this court to the order passed by the Permanent Lok Adalat. The Permanent Lok Adalat was responding through an order to a complaint made by the Chandigarh Travels through its partner that in the place which the Corporation had permitted to park its tourists' vehicles, the Municipal Corporation shall provide all the facilities which are provided also to other government buses in terms of the

requirements under the Chandigarh Motor Vehicles Rules of 1990. The contention of the Corporation was that the permission granted to the complainant was not to park vehicles in any bus stand but it was merely a parking area identified and given in terms of the requirements under Section 117 of the Motor Vehicles Rules read with Rule 196 of the Chandigarh Motor Vehicles Rules of 1990. According to the Corporation, there is no facility possible for the motor vehicles in the manner provided under Rule 201 of the Chandigarh Motor Vehicles Rules of 1990.

2. By the majority decision of 2:1, the Lok Adalat accepted the contention of the complainant and directed the facilities for a bus stand to be given by the petitioner.

3. The counsel for the petitioner has taken me through the notification issued in terms of Section 117 of the Motor Vehicles Act read with Rule 196 of the Chandigarh Motor Vehicles Rules of 1990 allowing for a site of 84' x 30' in Sector 46-C, Chandigarh, for parking of the buses. Pursuant to the order issued by the Sub Divisional Engineer acting on behalf of the Chandigarh Administration, the site was handed over to the complainant at the place behind Booth Nos.117-118 in Sector 46-C, Chandigarh. Section 117 of the Motor Vehicles Act contemplates identifying parking places and halting stations that the State Government or any other authority authorized to determine the place at which motor

vehicles may stand either indefinitely or for a specified period of time and may also determine the places at which the public service vehicles may stop for a longer time than necessary for taking up and settling down all passengers. The notification issued under Rule 196 deals with the marking of parking places. Rule 196 reads as under:-

“196. Parking places.-Subject to provisions of rule 201, a District Magistrate, may, subject to the control of the State Transport Authority concerned and after consultation with the Superintendent of Police and the local authority having jurisdiction in the area concerned, make orders appointing parking places and stands for motor vehicle under Section 117:

Provided that no place which is privately owned shall be appointed as a parking place or a stand except on application by or with the written consent of the owner.”

4. There is a marked distinction between a parking place through a notification issued under Rule 196 and a place that is reserved for a bus stand. Rule 200 classifies bus stand depending on the ownership of whether it is for vehicles belonging to State Transport Authority or by private persons. Rule 201 makes reference to consideration governing the location of stand and Rule

202 gives the details of conditions applicable to all stands. The stand as is contemplated under these rules is distinct from a parking place which is referred to under Rule 196. While every stand would also be a parking place, the reverse need not be true. The parking place as identified under Rule 196 need not be a bus stand as well. The notification can cast no obligation to provide for facilities given under Rules 200 and 201. The directions given by the Permanent Lok Adalat to that effect is erroneous and the minority view holding that it was not possible to provide for such a facility to the complainant was alone correct. I reverse the finding of the Permanent Lok Adalat and hold that the complainant can have no relief. The writ petition is allowed.

(K.KANNAN)
JUDGE

27.01.2015
sanjeev