

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

CWP No.11862 of 2012

Date of Decision: 24.04.2015

Sukhminder Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. H.S. Sawhney, Sr. Advocate
with Mr. B.S. Giri, Advocate
for the petitioners.

Mr. P.P.S. Thethi, Addl. A.G., Punjab
for the respondent-State.

Mr. S.S. Toor, Advocate
for respondents No.4 to 6.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed for quashing of order dated 24.05.2012 (Annexure P-10), whereby, the time table of the permit issued to the petitioners from Ahmedgarh to Kohara has been cancelled without giving any notice or any opportunity of being heard to them.

Learned counsel for the petitioners submits that the petitioners were issued provisional time table for Ahmedgarh to Kohara route and subsequently, the same has been cancelled vide order dated 24.05.2012 without giving any opportunity of hearing or without issuing any notice to them.

Learned State counsel submits that as per order dated 31.01.2012 passed in **CWP No.3836 of 2011**, the petitioners were allowed

only to operate on old route. Said writ petition was disposed of with the clarification that the petitioners shall continue to operate on the old route and would be allowed the variation from Rurka to Dehlon and then to Khera.

Learned State counsel submits that the said route was allowed by mistake and subsequently, it has been rectified vide order dated 24.05.2012, whereas, the petitioners have no right to operate on that route as per terms and conditions of the permit.

Admittedly, the impugned order dated 24.05.2012 has been passed without issuing any notice or without giving any opportunity to the petitioners and this fact has not been disputed by learned State counsel as well.

Without commenting anything on the merits of the case and keeping in view this fact that the impugned order dated 24.05.2012 (Annexure P-10) has been passed without giving any opportunity of hearing or without issuing any notice to the petitioners, the same is hereby set aside.

However, the respondents are at liberty to give opportunity of being heard to the petitioners before taking any action in this regard. The necessary exercise be done within a period of two months from the date of receipt of certified copy of this order.

It is, however, clarified that the petitioners would be entitled to use their permit as per the time table issued before passing of the impugned order.

The petition is disposed of accordingly.

24.04.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE