

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

CWP No.26161 of 2013

Date of Decision: 03.03.2015

Shakti Coop Trpt. Society Limited, Malout,
District Sri Muktsar Sahib Manager through
Sham Lal its Manager and others

....Petitioners

Versus

Secretary Regional Transport Authority,
Ferozepur and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. P.S. Bawa, Advocate
for the petitioners.

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

Mr. Rohit Kapoor, Advocate
for respondents No.4 and 5.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondents No.1 to 3 not to allow the Tempo's, which are being operated illegally by respondents No.4 and 5 and others of which the list is annexed as Annexure P-2 with the petition.

Learned counsel for the petitioners submits that some of the persons, who are not having valid permits and the permits, which have already expired, are being allowed to ply their vehicles.

In response to notice of motion, reply has been filed by learned counsel for the respondent-State, which is already on record.

Learned State counsel, on the basis of reply, submits that a regular checking is being conducted and in case, the vehicles are found to be plying illegally and in violation of the provisions of the Motor Vehicles Act, 1988, are being challaned. Learned State counsel also submits that traffic checking shall also be continued in future as well and in case, any vehicle is found to be plying without having any valid permit, action will be taken against it.

Learned counsel for respondents No.4 and 5 submits that respondents No.4 and 5 were having valid permits but the same expired and subsequently, an application has been moved for renewal, which is pending before Hon'ble the Apex Court as the writ petition was dismissed by this Court.

Learned counsel for the petitioners submits that as per interim directions issued by Hon'ble the Apex Court, only the permit holders, whose permits are operative and currently valid, have been allowed to operate their vehicles as per their permits but there is no mention that some of the persons, whose validity of permit has already expired, they are not being allowed to ply their vehicles.

Learned counsel for the petitioners also submits that a person, namely, Sukhdeep Singh, also filed **CWP No.27614 of 2013** before this Court and the same was disposed of with a direction to the Secretary, Regional Transport Authority, Patiala and the Senior Superintendent of Police, Ludhiana to ensure that the Tempos, whose permits have already expired, would be permitted to ply illegally in future as well. Similar directions are required to be issued in this case as well.

Learned counsel also submits that a representation was also made and subsequently, a legal notice was sent by the petitioners to the respondent on 20.09.2013 but in spite of that, no order has been passed

thereupon.

After hearing learned counsel for the parties and on perusal of documents on the file and also the fact that the matter is pending before Hon'ble the Apex Court and in case, some of the persons, who are plying their vehicles without having any valid permit, the action is being taken by the respondent and it is also not disputed that renewal of permits is pending with the respondent authorities, this petition is disposed of with a direction to respondent No.1 to consider the legal notice dated 20.09.2013 and pass necessary order thereupon in accordance with law after hearing respondents No.4 and 5.

The necessary exercise be done within a period of two months from the date of receipt of certified copy of this order.

03.03.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE