

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

(1)

LPA No. 351 of 2015

Piara Singh

.... APPELLANT

Versus

The State Transport Commissioner, Punjab and another

.... RESPONDENTS

(2)

LPA No. 352 of 2015

Balkaur Singh

.... APPELLANT

Versus

The State Transport Commissioner, Punjab and another

.... RESPONDENTS

DATE OF DECISION : 23.04.2015

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Rajinder Sharma, Advocate, for the appellant.

SATISH KUMAR MITTAL, J. (Oral)

This order shall dispose of LPA Nos. 351 and 352 of 2015 filed by Piara Singh and Balkaur Singh, respectively, against the common order dated 17.12.2014 passed by the learned Single Judge, whereby two separate writ petitions (CWP Nos. 4482 and 125493 of 2014) filed by the appellants have been dismissed.

The only issued raised in both these appeals is as to whether before inviting applications for granting two regular stage carriage permits

on the route in question, any survey of the route was conducted or not. Undisputedly, the conducting of prior survey of the route, for which the applications for grant of regular stage carriage permit are to be invited, is a mandatory requirement under the Scheme of the statute. The State Transport Commissioner, Punjab, has rejected all such applications submitted by many persons, including the appellants herein, only on the ground that no survey was conducted before inviting application. The learned Single Judge has affirmed the said finding and dismissed the writ petitions filed by the appellants.

Before the learned Single Judge, an argument was raised that once the applications were invited by the competent authority for grant of two regular stage carriage permits, then it should be presumed that survey on the route in question had already been conducted. In our opinion, it cannot be impliedly taken that the survey had already been conducted, when actually as a fact it has been found that no such survey was conducted, which was mandatory for inviting applications for grant of regular stage carriage permit. Therefore, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

April 23, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**