

CWP No.10924 of 2014

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

**CWP No.10924 of 2014  
Date of decision:22.01.2016**

The Shiva Co-operative Transport  
Society Ltd., Gohana and others

...Petitioners

Versus

The State Transport Commissioner-cum-  
Chairman RTA, Haryana and others

...Respondents

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. Lekh Raj Sharma, Advocate,  
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

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**Rakesh Kumar Jain, J. (Oral)**

The petitioner-societies are in the business of transport who have prayed for issuance of a writ in the nature of *mandamus* directing the respondents to release/restore their route permits, lying deposited with them.

It is alleged that the petitioners were operating on Stage Carriage Permit under the Scheme of 1993 upto 2003. Thereafter, their permits were cancelled. In 2003, as many as 62 permits were cancelled. Some of the operators challenged the cancellation by way of appeal before the State Transport Appellate Tribunal, which was allowed vide order dated 21.10.2003. Thereafter, the petitioners filed applications/representations for restoration of the terminated bus permit but their applications are lying with the respondents without any decision since long.

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After notice, the respondents have filed the reply, in which it is averred that the State Government has allowed the restoration of the permits to the transport societies on their depositing the outstanding taxes/fees subject to the terms and conditions which were laid down and in that process, the permits of the transport cooperative societies were restored but since the petitioners did not deposit the outstanding dues nor requested for renewal of their permits, therefore, their permits were not restored. It is also averred that not only a matter is pending before the Supreme Court in SLP No.16967 of 2013 but also the Stage Carriage Scheme, 2013, formulated by the Government, challenged in this Court, has to be revisited by the State Government.

Counsel for the petitioners has submitted that the law permits him to apply for grant of permit as per Section 80 of the Motor Vehicles Act, 1988(hereinafter referred to as the "Act"), which could be accepted or rejected by the competent authority/RTA by assigning reasons. The only prayer made by the petitioners in this case is to direct the respondents to pass an appropriate order, in accordance with law, on their applications, either accepting or rejecting the same but they cannot keep their applications pending with them for all times to come.

After hearing learned counsel for the parties and examining the controversy at hand, the present writ petition is found to be meritorious to the extent that the prayer made by the petitioners is totally innocuous as the petitioners are not only praying for a decision on their applications, which have been filed by them under Section 80 of the Act, on which the

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competent authority is liable to pass an order but also the law of *mandamus* provides that the citizen, who is asking for a direction, must have a right and the authority must have a corresponding duty to discharge.

In the present case, the right has been conferred upon the petitioners by Section 80(1) of the Act of filing an application for permit and a duty is casted upon the competent authority to pass an order either granting or refusing the permit, in accordance with law.

Consequently, the present writ petition is hereby allowed and the respondents are directed to pass an appropriate order, in accordance with law, either to accept or reject the claim set up by the petitioners in their applications for restoration/grant of their permits. The entire exercise shall be done by the respondents within a period of three months from the date of receipt of certified copy of this order.

January 22, 2016  
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(Rakesh Kumar Jain)  
Judge