

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

**CWP No. 17276 of 2016**  
**Date of decision: 27.08.2016**

Bhupinder Singh

....Petitioner(s)

Versus

Presiding Officer, State Transport Appellate Tribunal, Punjab and another

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. Raj Kaushik, Advocate, for the petitioner.

**G.S.SANDHAWALIA, J. (Oral)**

The present petition has been filed for quashing the order dated 06.06.2016 (Annexure P-4) whereby, respondent no. 1-Tribunal has upheld the order dated 22.04.2014 (Annexure P-2) which is also a subject matter of challenge. Vide the impugned orders, petitioner's Mini Bus Permit No. 970/MBR/03 on the route Morinda to Bela was cancelled by the Regional Transport Authority (Annexure P-2) on the ground that the permit had been issued but the permit holder was not providing bus service on the concerned route. Complaints had been received from the residents of three villages regarding this aspect.

First show cause notice dated 27.09.2013 had been issued and thereafter on 13.11.2013 and 06.02.2014, the same had been repeated. On account of no explanation having been received from the permit holder, notice was published in the Motor Transport Gazette Weekly, Chandigarh and Transport Times, Mohali on 01.04.2014 for the meeting which was to be held on 22.04.2014, which eventually led passing of the order. The

petitioner also never put in appearance before the RTA leading to the passing of the order.

Counsel for the petitioner has vehemently submitted that the petitioner was paying taxes on the said route and, therefore, no opportunity of hearing was given and explanation was never taken or any enquiry was never done.

It is not disputed that the notices have been issued and even a publication was done in the gazette. It is sufficient compliance of putting the petitioner to notice regarding the fact that he was not carrying on the bus service on the concerned route which was leading to difficulties to the inhabitants of those three villages on the said route from Morinda to Bela. The fact remains that the petitioner, thereafter also, chose not to file the appeal and it was only filed after a delay of 5-1/2 months, which further goes on to show that the petitioner was not interested in contesting the issue at that point of time. If he had been plying his bus, as now contended, he would have been adversely affected immediately and would have filed the appeal at the earliest as he would not have been permitted to ply thereafter.

The cumulative facts would go on to show that the finding which has been recorded is well justified. The respondent-authorities have taken the trouble of calling upon the petitioner on three occasions and thereafter followed the proper procedure to put him to notice by publication and, therefore, he cannot now turn around and contend that the principles of natural justice have been violated in any manner. The Appellate Tribunal has noticed these facts also and accordingly dismissed the appeal by holding that the inconvenience was being caused to the public of three villages. No legal infirmity as such can be pointed out in the orders impugned.

Resultantly, there is no merit in the present writ petition and the same is accordingly dismissed in limine.

27.08.2016  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No