

Date of decision: 15.02.2016

.....**Petitioner**

.....Respondents

Rakesh Kumar Jain, J.(Oral)

In brief, the facts of the case are that the State of Haryana issued a scheme for issuance of permit in the year 2001. Respondent No. 2 applied for permit on route No. 137 on 20.02.2001. The route was allotted, security amount was deposited

by respondent No. 2 but the letter of offer for lifting the permit was not issued as according to the petitioner, respondent No. 2 had not complied with condition No. 7 of the scheme which provides that the permit holder has to purchase the vehicle/bus within 45 days of the offer of letter and start operations within 60 days thereafter.

The controversy in this case started with the letter written by DTO, Hisar to the STC, Haryana in which the competent Authority i.e. DTO, Hisar had sought some kind of clarification from the STC, Haryana that in case condition No. 7 is not complied with then the permit can be issued or not.

The said letter, was taken by respondent No. 2 as an impugned order and revision under Section 90 of the Act was filed which was allowed by the STA, Hisar vide order dated 11.04.2009 on the ground that the said letter is without jurisdiction.

Counsel for the petitioner has submitted that revision is maintainable only against an order and not against the administrative communications.

Counsel for respondent No. 2 has not seriously contested the arguments as he is only interested in the issuance of the permit to him which is still lying with the competent Authority since then.

After hearing learned counsel for the parties and examining the available record, this Court is of the view that the impugned orders are patently illegal as revision is not maintainable against the administrative communications much less the letter and hence, the order dated 11.04.2009 is hereby set

aside. However, at the same time, the Court cannot lose sight of the fact that the route which was allotted to respondent No. 2 way back in the year 2001 and the offer letter is only to be issued, pending with the competent Authority. However, while allowing the writ petition, the direction is issued to the DTO, Hisar to take immediate steps to decide in regard to make the offer of permit to the petitioner, in accordance with law. Needless to mention that this exercise shall be done expeditiously and preferably within a period of one month from the date of passing of this order.

Allowed.

15th February, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge