

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

Civil Writ Petition No.2587 of 2013

Date of decision: 17.10.2016

Lakha Singh

...Petitioner

Versus

State Transport Appellate Tribunal, Punjab and others

...Respondents

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

Present: Mr. P.S.Bawa, Advocate for the petitioner.

Mr. S.S.Chandumajra, Addl. Advocate General, Punjab.

Mr. Meharpreet Khera, Advocate for respondent no.3.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges order dated 12.9.2012 (Annexure P/2) passed by respondent no.1 upholding the order dated 8.11.2011 (Annexure P/1) passed by the Regional Transport Authority, Jalandhar-respondent no.2.

The said respondent vide order dated 8.11.2011 considered the application of respondent no.3 for grant of extension of Amritsar to Kukranwala via District Court New Jail Kothi Heir Raja Sansi route upto Bhullar. The decrease in the trips from 5 to 4 daily route against stage carriage mini bus permit was accordingly permitted. Accordingly, the application was allowed and decrease in the trips from 5 to 4 daily route against stage carriage mini bus permit was allowed with extension of Amritsar to Kukranwala route upto Bhullar.

The petitioner who was one of the three objectors before respondent no.2 filed a revision before the State Transport Appellate

Tribunal, Punjab (hereinafter referred to as “the Tribunal”) against the said order.

The Tribunal noticed that as per the survey report conducted by the District Transport Officer, if the route permit was extended upto to village Bhullar then extension would come to 11.4 Kms and total length of route would come to 24.7 Kms which was permissible under Section 80(3) of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”). The milage would come to 197.6 Kms after decrease of trips from 5 to 4 daily.

The objection of the petitioner that route was 33.70 Kms was rejected on the ground that the noting had been issued by the Public Works Department, Amritsar on the request of one Amandeep Singh and not by the present petitioner. The said Amandeep Singh had no connection with the revision and also that the District Transport Officer was the competent authority to calculate the mileage from village to village and to give report. It was also noticed that the report relied upon was without indicating how many villages fell on the way and what was the distance from one village to another in kilometers. Resultantly, it was held that respondent no.2 had rightly exercised its powers by granting extension and allowing decrease in the trips.

In reply filed by the State, it has been categorically averred that after giving explanation of 11.4 Kms upto village Bhullar instead of village Chogawan. The total single length was 24.7 Kms and the same had been in public interest by decreasing trips from 5 to 4 which was permissible under Section 80 (3) of the Act. Annexure R/1 also is rough sketch of the route of Mini Bus from Amritsar to Bhullar and the extension has been given which shows that Amritsar to Kukranwala was 13.3. Kms and Kukranwala to

Bhullar was 11.4 Kms and it amounted to less than 25 Kms.

In view of the above, this Court is of the opinion that findings which have been recorded by respondent no.2-Tribunal are justified as respondent no.2 has exercised its jurisdiction within the provisions of the Act.

The petitioner has not placed any other material on file nor filed replication to point out that details given in Annexure R/1 is incorrect. Thus the certificate (Annexure P/5) issued by the Public Works Department which was issued in favour of Amandeep Singh had been rightly not relied upon by the Tribunal. There is thus no illegality or irregularity in the impugned order which would warrant interference while exercising jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

October 17, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No