

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

CWP No.2926 of 2016 (O&M)
Date of Decision:- 29.02.2016

Garg Bus Service and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Gurjinder Singh Thind, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

CM No.2532 of 2016

Application is allowed as prayed for.

Documents, Annexures P-12 to 14, are taken on
record.

CWP No.2926 of 2016

The petitioners are the private bus operators, who have prayed for the issuance of a writ in the nature of mandamus for modifying the order dated 24.2.2014 for allowing the buses to ply on the National Highway passing through the old bus stand to the new bus stand. The writ petition was filed bearing CWP No.1450 of 2014, which was disposed of with a direction to the Sub Divisional Magistrate, Patran to decide the representation made by the petitioner in that case by passing a speaking order. In compliance of the order dated 27.1.2014, passed in the aforesaid writ petition, the SDM, Patran passed the speaking order on the representation, on 24.2.2014, taking following decisions: -

“In this manner, after perusing the replies submitted by the concerned officials and as per the orders of the Ld. Deputy Commissioner, Patiala and other concerned and after hearing the petitioner, it is directed that all the buses whether government or private will come to the New Bus Stand and will board and deboard the passengers therein only. To reach this new bus stand, instead of moving inside the Patran City, the road of bypass will be used despite the fact that the Executive Engineer, Construction Division, PWR (B&R) Branch Patiala has written that the road of the bypass is not feasible for movement of heavy traffic and the busses but despite this fact, this fact has been noticed that for the past many years, the heavy trollas are passing through this bypass only. So, the report submitted by the Executive Engineer, Construction Division, PWD B&R Branch Patiala is not acceptable. The Executive Engineer, Construction Division, PWD B&R Branch Patiala is directed that if any deficiency is visible for plying the buses through bypass then the same shall be rectified.”

Aggrieved against the said order, the present petition has been filed in which modification has been sought for using the National Highway to reach the new bus stand.

Learned counsel for the petitioners has also filed an application for placing on record photographs of the bye-pass, which are separately taken on record.

After hearing learned counsel for the petitioners and keeping in view the facts and circumstances, I am of the considered opinion that no interference is called for much less for the purpose of modification of the order dated 24.2.2014 passed by the SDM, Patran. Consequently, the present petition is hereby dismissed being denuded of any merit.

29.02.2016

Vivek

(RAKESH KUMAR JAIN)
JUDGE