

CWP No.4144 of 2015

[1]

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

**CWP No.4144 of 2015
Date of decision:27.05.2016**

Mahinder Singh and others

...Petitioners

Versus

The Secretary, Regional Transport Authority, Patiala & anr. ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rohit Kapoor, Advocate,
for the petitioners.

Mr. Suresh Singla, Addl. A.G., Punjab.

Mr. H.S.Sawhney, Sr. Advocate, with
Mr. Rajinder Sharma, Advocate, for respondent No.2.

Rakesh Kumar Jain, J.

The petitioners have prayed for a writ in the nature of *certiorari*, for setting aside the notice dated 30.01.2015 as published in the Motor Transport Gazette dated 01.02.2015 and the notice dated 27.02.2015, as published in the Transport Times, SAS Nagar, Mohali, dated 01.03.2015 and for the issuance of a writ in the nature of *mandamus*, directing respondent No.1 not to make any change or variation in the timings of the existing operators including the petitioners in the time table on Nangal to Kalma route.

Counsel for the petitioners has not denied that the petitioners have a remedy of appeal under Section 89 of the Motor Vehicles Act, 1988

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and also in terms of the order dated 22.05.2013 passed in CM No.6491 of 2013 in CWP No.19537 of 2011 titled as “**Bikramjit Singh vs. State of Punjab and others**”. However, he has prayed that since the time prescribed for filing the appeal has expired, therefore, the delay in filing the appeal may be condoned.

On the contrary, counsel for the respondents has relied upon a decision of this Court in the case of “**Kamlesh Kaur and another vs. State Transport Commissioner, Punjab, Chandigarh and others**”, CWP No.11789 of 2014, decided on 12.01.2016 in this regard.

After hearing learned counsel for the parties and examining the available record, the present petition is hereby disposed of in terms of the order dated 12.01.2016 passed in **Kamlesh Kaur's case (supra)**.

May 27, 2016
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(Rakesh Kumar Jain)
Judge