

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

CWP No.679 of 2016 (O&M)

Date of Decision: 18.02.2016

Purshotam Lal

. . . .Petitioner

Versus

Secretary, RTA, Ferozepur

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Mr.V. Ramswaroop, Addl. A.G. Punjab.

Mr.Raj Kaushik, Advocate, for the applicant.

RAKESH KUMAR JAIN, J. (ORAL)

CM No.2022 of 2016

This application is dismissed as withdrawn by the applicant to move it before the Regional Transport Authority, Ferozepur.

CWP No.679 of 2016

The petitioner has the permit of mini bus No.1045/Reg/M/03 on Baghapurana to Pakkarwad route, which is valid upto 16.10.2018. The respondent is the authority, who frames the time table in the region under Section 72(2) of the Motor Vehicles Act, 1988 [for short 'the Act']. The respondent has already approved time table on the route in question on 8.7.2015 upto 25.7.2015, which was further extended upto 25.8.2015 and the petitioner was operating its permit on the basis of the said time table but suddenly on 3.8.2015, the time table, on the route in question, by the respondent, was cancelled without giving any notice or opportunity of hearing. The petitioner had allegedly challenged the

said order by way of Revision No. 21 of 2015 before the State Transport Appellate Tribunal, Punjab under Section 89 of the Act, which was later on withdrawn. The only grievance of the petitioner in this case is that if the respondent had to cancel the time table on the route in question on which the petitioner is operating his bus service, it has to provide an opportunity of hearing to satisfy the principle of natural justice.

Learned counsel for the respondent has failed to support the impugned order because apparently, no opportunity of hearing was given to the petitioner. Consequently, the present petition is hereby allowed and the order dated 3.8.2015 is hereby set aside. The case is remanded back to the Regional Transport Authority, Ferozepur with a direction to decide the same after providing an opportunity of hearing to the petitioner, in accordance with law and by passing a speaking order. The parties are directed to appear before the RTO, Ferozepur on 26.2.2016. The RTO, Ferozepur is further directed to decide the matter, after hearing the petitioner and the other interested parties, on or before 28.3.2016.

18.02.2016*Vivek***(RAKESH KUMAR JAIN)
JUDGE**