

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

Date of decision : September 12, 2017

1. CWP No. 5311 of 2004 (O&M)

The Pardhan Cooperative Transport Society Ltd. Rampura

VS

State of Haryana and others

2. CWP No.5312 of 2004 (O&M)

Capital Bus Service Private Limited Delhi

VS

State of Haryana and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Anil Mehta, DAG Haryana

Ajay Tewari, J (Oral)

This order shall dispose of the aforesaid writ petitions as similar facts and law are involved therein.

By these writ petitions, the petitioners have challenged the public notice dated 20.1.2004 whereunder it was announced that stage carriage and contract carriage permits would be issued for the national capital region falling in Haryana in derogation of the previous provisions. The ground taken in these writ petitions is that in fact the impugned public notice was a scheme and was illegal since it was framed without issuing any

notice as mandated by Chapter VI of the Motor Vehicles Act, 1988.

Learned DAG Haryana points out that in fact now a new draft proposal has been published by the government and in that proposal also the arrangement made by the impugned public notice is continuing.

I find that for the last 13 years these writ petitions have been pending in this Court and the arrangement made by the impugned notice has continued. Counsel for the petitioners has fairly accepted that the petitioners would have the right to challenge that part of the draft proposal which seeks to continue the arrangement made by the impugned notice. In the circumstances, I deem it appropriate to dispose of these writ petitions without expressing any opinion on the merits of the controversy giving the petitioners liberty to challenge that part of the draft proposal by which the arrangement announced by the impugned notice has been declared to continue. Ordered accordingly.

Since the main cases have been decided, the pending C.Ms, if any, also stand disposed of.

September 12, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No