

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

(118)

CWP-1318-2017

Decided on: January 25, 2017.

M/s Hermes International

.... Petitioner

Versus

State Transport Authority, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Anand Moudgil, sole proprietor of petitioner in person.

M.M.S. BEDI, J (ORAL)

Vide order dated 26.12.2016, the State Transport Authority, Punjab has cancelled the All India Tourist Permits/Authorization Certificates issued to the petitioner in respect of its Tourist Buses bearing Registration No.PB01B-2190, PB01B-2191, PB01B-2192, PB01B-2193, PB01B-2194 and PB01B-2195 but taking into consideration the observations of a Division Bench of this Court, the cancellation order has been kept in abeyance for a period of 30 days after passing of the order.

Notice to the respondent.

Mr. Arshinder Singh, Law Officer, State Transport Authority, Punjab, present in the Court, accepts notice.

The proprietor of the petitioner-firm has appeared in person and pointed out that the cancellation at the instance of rival transport operator, is not permissible under law and that there being no violation of the terms of the permit and no material information having been concealed, All India Tourist Permits/Authorization Certificates, in favour of the petitioner have been wrongly cancelled.

I have heard the petitioner at length and I am of the opinion that the petitioner has got an alternative remedy of filing statutory appeal under Section 89 of the Motor Vehicle Act against the revocation/suspension of the permits. The petitioner submits that alternative remedy is not efficacious and speedy remedy.

Without expression of any opinion on merits, I deem it appropriate to relegate the petitioner to avail the alternative remedy within a period of 30 days by approaching the concerned Appellate Authority. In case, the appeal is filed before the competent Transport Appellate Tribunal, the same will be considered expeditiously in accordance with law.

Operation of the order Annexure P-11 will, however, remain stayed during pendency of the appeal as well as till filing of the appeal. All the pleas of fact and law taken up in this petition, may be raised in the appeal.

(M.M.S. BEDI)
JUDGE

January 25, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No