

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-23722-2017

Date of Decision : 13.10.2017

Raj Kumar and others

..... Petitioners

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Deepak K. Sharma, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

This petition has been filed for issuance of directions to respondents to pass and register the buses of the petitioners which have been purchased by them in pursuance to the Stage Carriage Scheme of 2016.

Notice of motion.

On the asking of the Court, Dr. Sushil Gautam, Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Copy of the paper book has been supplied

Counsel for the petitioners has relied upon the order of this Court in the matter of *Sanjay Kumar and others vs. State of Haryana and others*, passed in CWP No.20336 of 2017, decided on 27.09.2017, wherein in similar circumstances the following order was passed:-

By this writ petition, the petitioners are claiming that they be given the same treatment as was given to the review applicants in RA No.298 of 2017 in CWP No.5867 of 2017. Many such cases had come before me in the past and all those matters were disposed of with a direction to the respondents to consider the claim of those petitioners in terms of the decision of the Division Bench in the aforesaid case.

Counsel for the petitioners informs the Court that though he could not be absolutely certain of this fact but the petitioners have informed him that despite numerous orders having been passed in this regard, the respondents are not granting temporary permits to any such person who had filed writ petitions subsequently presumably on the premise that it was applicable only to those persons who were covered by the decision of the Division Bench.

In the circumstances, I deem it appropriate to issue notice of motion to the respondents. Ordered accordingly. On the asking of the Court, Mr. Anil Mehta, DAG Haryana accepts notice. Counsel for the petitioners undertakes to hand him over a copy of the writ petition during the course of the day.

Adjourned to 27.9.2017.

Mr. Anil Mehta, DAG, Haryana states that he has instructions from the respondents that the apprehension expressed by the petitioners on the last date was incorrect. Not only the petitioners but the other persons who are covered by the judgment in the Review application No. 298-2017 in CWP No. 5867-2017 will be considered for grant of temporary permits in terms of that decision.

Counsel for the petitioners states that in view of the statement of learned Deputy Advocate General, both the petitions may be dismissed as infructuous.

In the circumstances, both the petitions stand dismissed as such.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.”

Today, however, the learned Deputy Advocate General states that against the decision of the Division Bench some persons had

approached the Supreme Court and the Supreme Court has passed a status-quo order on 04.09.2017 in SLP(C) No.22800 of 2017.

As per the counsel for the petitioners, the order of the Supreme Court would have no effect on the present case.

Learned Deputy Advocate General has very fairly stated that he can not accept or deny this assertion but the State would have to consider the claim of every person as per the prevailing position of law.

In the circumstances, the present petition is disposed of with a direction to the respondents to consider the claim of the petitioners in terms of whatever be the prevailing position of law today after considering the effect of the order passed by the Supreme Court.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 13, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No