

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

**(113)**

**CWP-8291-2017**

**Decided on: April 24, 2017.**

**New Dashmesh Workers Transport Company Regd. Faridkot**

**.... Petitioner**

**Versus**

**State Transport Commissioner, Punjab**

**..... Respondent**

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

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

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

The petitioner, through instant writ petition, has sought a writ in the nature of mandamus directing the respondent to allow the petitioner to lift the permit on Faridkot-Fazilka via Panniwala route as the same had been granted to him in the year 2003.

The petitioner claims that the above said permit with half return trip along with Faridkot-Fazilka Transport Co. Pvt. Ltd. Abohar, was granted on 05.11.2003 but the petitioner was not aware of the same as such he did not utilize the same but came to know about the same in an appeal filed by one unsuccessful candidate Vikas Sharma.

Petitioner claims that he has got legally enforceable right to get the permit of 2003 released after a period of 13-14 years. His application has been dismissed by the State Transport Commissioner as well as by the State Transport Appellate Tribunal in the year 2015. He has opted to approach this Court in writ jurisdiction again after two years without explaining the delay and latches.

At this stage, learned counsel for the petitioner submits that he will be satisfied, in case a direction is issued to the State Transport

Commissioner, Punjab (Exercising the powers of RTA) to consider legal notice Annexure P-3 dated 20.02.2017.

Notice to Advocate General, Punjab.

On asking of the Court, Ms. Anu Pal, AAG, Punjab, present in the Court, accepts notice. Copy given.

Without expression of any opinion on merits of the case, this petition is disposed of with a direction that legal notice Annexure P-3 dated 20.02.2017 may be decided within a period of three months, by passing a speaking order. However, it is observed that adjudication of the claim of the petitioner will not in any manner waive off the right of the State to raise the legal objection of limitation.

**(M.M.S. BEDI)**  
**JUDGE**

**April 24, 2017**  
*harsha*

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No