

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

(207)

CWP-38005-2018

Date of Decision: December 24, 2018

Sandeep and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Ankur Mittal, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the challenge is to the order dated 14.12.2018 (Annexure P-1) by which, the Transport Commissioner, Haryana had addressed the letter to Regional Transport Authority, Jhajjar to take certain actions including the cancellation/withdrawal of the permits of the petitioner as envisaged under the Motor Vehicles Act, 1988.

Notice of motion was issued by this Court on 21.12.2018.

Today, learned counsel for the State on the instructions from Sh. Sushil Sarwan, ADC-cum-Secretary, Regional Transport Authority, Jhajjar submits that ADC-cum-Secretary, Regional Transport Authority, Jhajjar, in pursuance to order dated 14.12.2018 (Annexure P-1), had taken action of suspending the permits of the petitioner and had also issued a show cause notice to the petitioner as to why, the permit should not be terminated.

Learned State counsel submits that on reconsideration of the matter, as per provisions of Section 86 of the Motor Vehicles Act, 1988, a hearing is must to the concerned authority before taking any appropriate

action, which was not adhered to by the department while passing order dated 14.12.2018 (Annexure P-1) or the subsequent action taken by the Secretary, Regional Transport Authority, Jhajjar in pursuance to (Annexure P-1), a direction has been issued, the show cause notices issued to the petitioner have already been withdrawn and even the suspension of the permits also stands withdrawn. However, he states that the above action is subject to the taking of appropriate action against the petitioner, if need be so by following the due procedure of law as envisaged under the Motor Vehicles Act, 1988.

In view of the above statement given by counsel for the respondents, learned counsel for the petitioner states that he does not want to press the writ petition any further.

The writ petition is disposed of as not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

December 24, 2018
harsha

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