

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

CWP-4122-2019 (O & M)

Date of decision: 15.02.2019

Gurdev Tourist Bus Service Regd. Samrala

.... Petitioner(s)

V/s

The State Transport Commissioner, Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Raj Kaushik, Advocate, for the petitioner(s).

Rajan Gupta, J. (Oral)

Notice of motion.

Petitioner submits that the petitioner earlier filed a petition which was disposed of on 17.03.2017, Annexure P-3. The order reads as under:-

“Petitioner has questioned the legality and propriety of order Annexure P-3 passed by State Transport Appellate Tribunal, Punjab, Chandigarh, dismissing the appeal of the petitioner and allowing the claim of Punjab Roadways, Ludhiana for two route permits and one route permit of respondent No.3 Arjindra Bus Service with one return trip each on Machhiwara-Malerkotla route.

In the reply, it has been averred that respondent No.1 vide order dated 03.05.2013, had allowed appeal No.275 of 2012 filed by Arjindra Bus Service and granted one stage carriage permit on said route which was surrendered by Punjab Roadways, Ludhiana and was lying vacant.

Learned counsel for the petitioner submits that in view of said fact, the petitioner has got a right under Section 104 of the Motor Vehicles Act to seek the said permit.

The petition is disposed of as withdrawn without prejudice to the right of the petitioner under Section 104 of the Motor Vehicles Act or any other legal provisions beneficial to the petitioner. In case, the petitioner avails the said remedy, any observation made by the Appellate Tribunal Punjab in the impugned order will not prejudice its rights”.

Pursuant to above, the petitioner filed a representation, Annexure P-5, before the State Transport Commissioner, Punjab. His only grievance is that no decision has been taken thereon.

On the asking of the court, Ms. Ishneet Kaur, A.A.G., Punjab, who is present in court, accepts notice on behalf of the State. She submits that in case, it is found that representation, Annexure P-5, is pending before the State Transport Commissioner, Punjab, same shall be decided at the earliest, in any case, not later than one week. In case, any adverse order is passed, same shall be conveyed to the petitioner.

In view of the above, present petition is hereby disposed of.

February 15, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

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