

**CWP No. 14419 of 2012 &
other connected cases**

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

**CWP No. 14419 of 2012
Date of decision: 10.07.2019**

The Bhallar Cooperative Transport Society Ltd.

... Petitioner

Versus

Regional Transport Authority, Yamuna Nagar and another

... Respondents

2.

CWP No. 21879 of 2012

The Bindusar Cooperative Transport Society Ltd.

... Petitioner

Versus

Regional Transport Authority, Yamuna Nagar and another

... Respondents

3.

CWP No. 21858 of 2012

The Dilkhush Cooperative Transport Society Ltd.

... Petitioner

Versus

Regional Transport Authority, Yamuna Nagar and another

... Respondents

4.

CWP No.21893 of 2012

The Janta Khatkar Cooperative Transport Society Ltd.

... Petitioner

Versus

Regional Transport Authority, Yamuna Nagar and another

... Respondents

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**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. H.S. Sawhney, Senior Advocate, with
Mr. B.S. Giri, Advocate,
for the petitioners.

Mr. Ankul Mittal, Additional A.G. Haryana.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

By this common order, we shall dispose of above-mentioned four writ petitions. However, for the facility of reference, facts are being culled out from CWP No. 14419 of 2012.

Earlier the petitioner had approached this Court by filing CWP No. 7324 of 2012, with a prayer that since the New Transport Scheme, formulated on 3.5.2011, had been quashed by a Full Bench of this Court, vide order dated 3.4.2012 passed in CWP No. 9421 of 2011, hence the petitioner had a right of re-consideration for grant of three permits, which were lying unallotted. The said writ petition was disposed of, vide order dated 23.4.2012, directing the authorities to treat the writ petition of the petitioner as an additional representation and to decide the same by passing a reasoned and speaking order, in respect of grant or non-grant of three unallotted permits, within 30 days.

In pursuance of the said order, the Regional Transport Authority considered the claim of the petitioner and vide order dated 23.5.2012, rejected the same, by making following observations:-

“The Authority observed that permits are required

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to be granted by the Regional Transport Authority in a transparent manner by following a just and fair procedure. Grant of permits on pick and choose basis would be discriminatory and not be fair and would lead to unnecessary litigation. It would also give rise to similar requests from all over the State, in case the permit is granted to the Society. The Society submitted the application (P-2) on 6.5.2008 on its own, and not in response to any notice issued by the State Government inviting applications for permits. There may be many other applicants interested in obtaining permits on this route, if applications are invited. No such policy decision has been taken by the State Government to grant permits on the routes where the permits are lying vacant.”

In view of the above findings that although applications were made by the petitioners but without there being any notice from the State inviting applications on its own, permits could not have been granted exclusively to them, ignoring the claim of the others, who might have also been interested.

We find no flaw in the reasoning given by the authorities for rejecting the claim of the petitioners and the same does not require any interference. Apart from the above, much water has flown under the bridge and we are informed that subsequently new Stage Carriage Scheme was formulated by the State Government in 2013 and then again in 2016. In such circumstances, the petitioners are left with no cause of action under the old Scheme.

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In the wake of the above facts and discussion, not only no interference is required, but the petitions at hands too have been rendered infructuous and the same stand dismissed, as such.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

July 10, 2019

AK Sharma

Whether speaking / reasoned:

YES

Whether Reportable:

NO