

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

**CWP No.10540 of 2014  
Date of decision: 23.07.2019**

Malwa Express Highway Pvt. Ltd.

... Petitioner

Versus

State Transport Appellate Tribunal, Punjab and others

... Respondents

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

Present: Mr. Balwinder Singh Sudan, Advocate, for the petitioner.  
Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.  
Mr. Rahul Bhargava, Advocate, for respondents No.4 & 5.  
\*\*\*

**KRISHNA MURARI, C.J. (Oral)**

By means of this petition, filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 17.08.2012, passed by Presiding Officer, State Transport Appellate Tribunal, whereby while confirming the grant of permanent permit in favour of the Punjab Roadways, Chandigarh, it has been observed that if it is un-lifted, then the temporary permit shall be granted in favour of the private operator, namely, respondent No.4 and if it is also unable to lift the permit within 120 days, then it shall go to respondent No.5, namely Patiala Golden Cooperative Transport Society Ltd.

It is an admitted case of all parties that neither Punjab Roadways, Chandigarh, is operating on the route nor respondents No.4 & 5 have operated on the basis of the temporary permits granted in their favour.

It is also to be taken note of that in view of Section 87 of the Motor Vehicles

Act, 1988, the period of temporary permit cannot exceed more than 4 months.

Learned Senior Deputy Advocate General appearing for the State of Punjab states that this is a monopoly route and the State Transport Undertaking has a priority to have a permit on this route.

Since 2012 nobody is operating on the said route, as a matter of fact the challenge made to the order is rendered infructuous due to efflux of time and accordingly we dismiss the writ petition by observing that it shall be open to the State Authorities to invite fresh applications for grant of permit on this route in accordance with law and the new Scheme.

**( Krishna Murari )**  
**Chief Justice**

**( Arun Palli )**  
**Judge**

**23.07.2019**  
Rajan

Whether speaking / reasoned:  
Whether Reportable:

YES  
NO