

CWP-11685-2015 (O&M) and other connected cases

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

**Date of Decision: March 08, 2019
CWP-11685-2015 (O&M)**

ALL PUNJAB TRUCK OPERATOR UNION ... Petitioner

vs.

STATE OF PUNJAB & ORS .. Respondents

CWP-21307-2015 (O&M)

**SAHEED UDHAM SINGH KAMBOJ COOPERATIVE TRANSPORT
UNION LTD ... Petitioner**

vs.

STATE OF PUNJAB & ORS .. Respondents

CWP-2659-2016 (O&M)

KULDEEP SINGH AND ANR ... Petitioners

vs.

STATE OF PUNJAB AND ORS .. Respondents

CWP-11039-2017 (O&M)

**MANSA TRUCK OPERTOR UNION MANSA, THROUGH ITS
ELECTED/AUTHORIZED MEMBERS AND OTHERS ... Petitioners**

vs.

STATE OF PUNJAB AND OTHERS .. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. T.P.S.Tung, Advocate
for the petitioner in CWP-11685-2015.

Mr. H.R.Bhardwaj, Advocate
for the petitioner in CWP-21307-2015.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. J.S.Puri, Advocate
for respondent-FCI.

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Mr. Tarun Vir Singh, Advocate
for respondent No.7 in CWP-2659-2016.

Mr. Vikas Kuthiala, Advocate
for respondent No.7.

Mr. Anil Sharma, Advocate
for respondent No.9 in CWP-2659-2016.

Mr. Tejeshwar Singh, Advocate
for respondent No.10 in CWP-2659-2016.

Mr. Aman Chaudhary, Advocate
for respondent No.10.

Mr. Amit Rishi, Advocate
for respondent No.14 in CWP-11039-2017.

ARUN MONGA, J

This order of mine shall dispose of abovesaid four petitions since common issue is involved in all of them. The prayer made herein is, inter alia, for issuance of a writ in the nature of *mandamus* directing the respondents to stop plying/usage of tractor trolleys for commercial purpose.

2. At the very outset, learned State counsel points out that during the pendency of the present writ petition, vide a notification No. 10/11/2017-1T2 (PF)/1219673/1 dated 25.04.2018, copy whereof has been placed on record alongwith affidavit dated 04.05.2018 filed by B.Purushartha, State Transport Commissioner, Punjab, it has been notified that as long as the tractor trolley is to be used for limited purpose of carriage of food grains from Mandi/Purchase Centre to a delivery point, not farther than 25 k.m., of which a maximum of 12 k.m. can be on a State Highway/National Highway, the tractor trolley can be used by obtaining Goods Carriage Permit from competent authority under the relevant provisions of Punjab Motor Vehicles Rules, 1989 read with Motor Vehicles Act, 1988.

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3. Learned State counsel further submits that in view of the said notification, detailed parameters/procedure have been laid down for registration of a tractor trolley as a Goods Transport Vehicle and issuance of a permit to it under the Motor Vehicles Act, 1988 for carriage of goods.

4. Since, the notification, *ibid*, is not under challenge, the present writ petitions are disposed of with a direction to respondents No. 7 to 12 to allow only those tractor trolleys to participate in the grant of tenders meant for the purpose of transportation of the food grains, who have obtained the commercial permit in accordance with the notification read with the provisions of Punjab Motor Vehicles Rules, 1989 read with Motor Vehicles Act, 1988.

5. Mr. Anil Sharma, Advocate, for respondent No.9 in CWP 2659 of 2016 points out that as long as the State of Punjab gives due publicity to the said notification, the same would be in general interest of all the farmers in the State so as to enable them to seek permits as the tender process is likely to commence soon in view of the forthcoming harvest session from 30.04.2019 onwards.

6. The said request is fair and reasonable and in view thereof, it is expected from the State of Punjab to give due publicity to the said notification in the general interest of the farmers across the State of Punjab.

7 With these observations, the abovesaid four petitions are disposed of.

8. Photocopy of this order be placed on the file of other connected cases.

March 08, 2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No