

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

Date of decision: 22.07.2019

1. CWP No.7671 of 2018(O&M)

Virender ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

2. CWP No.7674 of 2018 (O&M)

Anju Mehalwal ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

3. CWP No.7692 of 2018(O&M)

Ved Parkash ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

4. CWP No.7694 of 2018(O&M)

Sandeep Kumar ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

5. CWP No.8628 of 2018 (O&M)

Satpal Chahal ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

6. CWP No.8675 of 2018(O&M)

Sunil Chahal ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

7. CWP No.18848 of 2018 (O&M)

Sunil ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

8. CWP No.7700 of 2018 (O&M)

Rajiv ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

9. CWP No.9148 of 2018(O&M)

Ram Niwas ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

10. CWP No.9195 of 2018(O&M)

Sunil ... Petitioner

Versus

The State of Haryana & ors. ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Jhanji, Advocate, for the petitioner.

Mr. Baldev Raj Mahajan, Advocate General, Haryana, with
Mr. Ankur Mittal, DAG, Haryana and
Mr. Sourabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J.(ORAL)

1. This order disposes of all the above-mentioned writ petitions, as common questions of law and fact are involved in them, which can conveniently be decided by a common order.

2. Heard at length Mr. Amit Jhanji, learned counsel appearing for the petitioner/s and Mr. Baldev Raj Mahajan, learned Advocate General, Haryana, assisted by M/s Ankur Mittal and Saurav Mohunta, learned Law Officers, representing the State of Haryana.

3. During the course of hearing, it has emerged that having regard to direction (c) of the three directions issued by the Supreme Court on 13.10.2017 in Special Leave Petition (Civil) No.22800 of 2017 titled 'The Haryana Cooperative Transport Society Ltd. & others Vs. The State of Haryana & others' in modification of the Supreme Court's earlier status quo order dated 16.05.2017, directing that any transporter eligible to obtain route permit in pursuance of the directions given by the High Court [in its order dated 16.05.2017 and the order dated 21.07.2017 passed in review i.e. R.A.No.298 of 2017 in CWP No.5867 of 2017], his/their case/s shall be considered and shall not be refused on the ground that a new policy/scheme is coming.

4. It may be noted that in the situation, as has arisen in this case, when the draft Stage Carriage Scheme, 2017 is not yet finalized in view of direction (a) of the Supreme Court wherein the respondent-State was given liberty to call for objections and offer hearing to the objectors in respect of the draft Scheme of 2017, but the State of Haryana shall not finalise the same. The Court is informed that the SLP is likely to be listed for hearing on 30.07.2019.

5. As per direction (c) Temporary Permit can be granted under Section 99(2) of the Motor Vehicles Act, 1988, the life of which permit is for a maximum of one year from the date of its issue or till the date of final publication of the scheme under Section 100 of the Act, whichever is earlier. The applicant thus has a right to apply afresh for a temporary permit till operation of stay order continues provided he fulfills the eligibility conditions.

6. In the prevailing facts and circumstances, the State may issue temporary permits to eligible persons under Section 99 (2) subject to their fulfilling the terms and conditions laid down for the purpose. When the State is prepared to grant temporary permit/s in public interest, as submitted by the learned Advocate General, Haryana, then it is ordinarily expected that the registration of vehicles/buses with the respective Regional Transport Authorities will automatically follow as per rules to help maintain public transportation so that in the meanwhile the travelling public does not suffer any hardship for want of availability of adequate buses on different routes.

7. To this end, the letter of the Transport Commissioner, Haryana dated 30.11.2017 can be given effect to as this Court finds no legal infirmity

in the guidelines contained therein issued to the transport authorities for grant of temporary permits in the light of the orders of the High Court as modified by the Supreme Court.

8. With these observations and by keeping in view the stand of the State put forth today by the learned Advocate General, Haryana as an interim measure, the petitions stand disposed of. Further action may be taken by the respondents accordingly without creating any right to ply buses on regular basis on the chosen routes by the aspiring transporters who may be granted only temporary permits for one year.

9. Needless to say, this order will remain subject to the further directions and orders as may be handed down by the Supreme Court in the pending SLPs and their final outcome.

22.07.2019
monika/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No