

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

CWP-9537-2020

Date of Decision : 10.09.2020

M/s The New Malwa Bus Service

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Kuljit Singh Bal, Advocate
for the petitioner.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Petitioner is a transport company working under the name and style of M/s The New Malwa Bus Service.

Instant writ petition has been filed seeking a Mandamus directing respondents No.2 to 4 i.e. the State Government authorities under the Department of Transport, State of Punjab to release the buses of the petitioner bearing registration Nos.PB-02DF-9986 and PB-02CR-9985.

Case projected on behalf of the petitioner is that the buses have been impounded without any reason or authority. Further prayer is for directing the respondents to take action on a legal notice dated 01.06.2020 (Annexure P-5) that is stated to have been served upon the respondents.

Counsel for the petitioner has been heard at length and pleadings on records have been perused.

It has gone uncontroverted during the course of hearing that an employee of the petitioner company namely Balwinder Singh had filed a suit for permanent injunction restraining the defendants therein (petitioner herein) from plying the buses in question and for mandatory injunction to comply with the terms and conditions of agreements dated 20.07.2019 and 26.07.2019. Apparently after institution of the suit Balwinder Singh moved an application under Order 39 Rules 1 and 2 CPC seeking ex parte ad interim relief. Such application was taken up for consideration by the Civil Judge (Junior Division) concerned and vide order dated 18.12.2019 the defendants in the suit were restrained from plying both the buses in question on any road till 04.01.2020.

On a subsequent date of hearing i.e. 14.02.2020 the civil court had directed the interim order to continue.

In the light of the interim orders passed by the civil court, it would not lie in the mouth of the petitioner transport company to contend that the buses in question have been impounded without any authority. The action of the respondent authorities in having impounded the buses can only be seen towards compliance of the interim orders dated 18.12.2019 and 14.02.2020.

At this stage, counsel for the petitioner sensing that this Court is not inclined to intervene in the matter seeks withdrawal of the writ petition.

Dismissed as withdrawn.

10.09.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No