

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:- 12.10.2020

1. LPA No. 681 of 2020 (O&M)

The Gonder Coop. Transport Society Ltd. and others

.....Appellants

Versus

State of Haryana and others

...Respondents

2. LPA No. 687 of 2020 (O&M)

The Uklana Public Coop. TPT Society Ltd. Uklana and others

.....Appellants

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Rohit Kapoor, Advocate for the appellants in
LPA No. 681 of 2020.
Mr. Vikas Bahl, Sr. Advocate with
Mr. Amit Jhanji, Advocate, for the appellants in
LPA No. 687 of 2020.
Mr. Nonish Kumar, Advocate for the
caveator-respondents No. 4 to 6.
Mr. Aliza Gupta, Advocate.
Mr. Pankaj Gupta, Advocate for the private respondents.
Mr. Ankur Mittal, Addl. Advocate General, Haryana.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, both the
appeals are being taken up and heard via video conferencing.

Both these appeals have been filed against the judgment and
order dated 24.09.2020 passed in Civil Misc. Application No. 7687 of 2020
in CWP No. 10234 of 2020 and Civil Misc. Applications No. 6927 of 2020
and 7657 of 2020 in CWP No. 8796 of 2020 whereby the interim orders
passed in Civil Writ Petitions No. 8087, 7420, 10173, 8108, 8145, 7928,
8796, 10234, 7925 and 10148 of 2020 have since been vacated.

It is not in dispute that several petitions raising identical issues are pending before the learned Single Judge, and the interim orders granted by the Court have been vacated only in few of the cases, whereas in the other they are still operative.

Learned counsel appearing for the appellants submit that the principle issue raised and involved in the petitions was regarding violation of the directions issued by the Supreme Court, vide order dated 21.01.2020 passed in Civil Appeal No. 556 of 2020, which postulates that only those applications for grant of permits could be considered that were either pending before the competent authority or were to be filed within one week from 21.01.2020. It is submitted that respondents actually filed the necessary applications for the first time, after lapse of 7 days. Thus, the appellants/petitioners filed several petitions and pursuant to an interim order granted by the writ court, operation of the stage carriage permits granted to the private respondents were stayed. It is submitted that learned Single Judge without even advertent to this issue has vacated the interim orders. It is submitted that in the given circumstances, the applications filed by the private respondents could not even be entertained and thus to permit them to operate their vehicles would rather amount to circumventing the order/directions issued by the Supreme Court. Further, allowing them to ply their buses would cause prejudice of the appellants.

Albeit, learned Additional Advocate General appearing for the respondent-State of Haryana and learned counsel appearing for the private respondents vehemently controvert the submissions made by the learned counsel for the appellants, but they fairly concede that issue regarding the violations of the orders/directions issued by the Supreme Court on 21.01.2020 in Civil Appeal No. 556 of 2020 has not been adverted to or considered by the learned Single Judge.

After we had heard the matter at some length, learned counsel for the parties, having reached a consensus, conjointly submit that rather than inviting a decision on-merits in these appeals, they shall approach the writ court and move the necessary applications for preponing the hearing and deciding the writ petitions/main case itself, at the earliest. Further, till the matter is decided by the learned Single Judge, the interim orders passed in the petitions on an earlier occasion would continue to operate.

In the wake of the consensus between the parties and particularly for they have agreed that the interim orders initially granted by the writ court in favour of the appellants-petitioners would continue till the decision in the main case, we are choice-less but to set aside the impugned judgment and order. It is ordered accordingly.

We are sanguine that in case any such application, as indicated above, is moved, the learned Single Judge would consider the same and take decision, as shall be deemed necessary.

Both the appeals stand disposed of with the above observations.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.10.2020

ravinder

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No