

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-19758-2018
Vijay Kumar Godara and anotherPetitioners
Versus
State of Haryana and othersRespondents
2. CWP-11733-2018
Ravinder KumarPetitioner
Versus
State of Haryana and othersRespondents

Date of decision: - 03.02.2020

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Raj Kaushik, Advocate
for the petitioner in CWP-19758-2018.

None for the petitioner in CWP-11733-2018.

Mr. Vishal Kashyap, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this order, above-mentioned two Civil Writ Petitions are being disposed of in the light of common question of law and similar facts involved. For the sake of convenience, the facts are being extracted from CWP-19758-2018 as 'Vijay Kumar Godara and another Vs. State of Haryana and others'.

Learned counsel appearing for the petitioner in CWP No.19758 of 2018 states that during the pendency of these writ petitions, the Hon'ble Supreme Court of India has passed an order on 21.01.2020 in Civil Appeal No.556 of 2020 titled as 'The Haryana Cooperative Transport Society Limited and others Vs. State of Haryana and others', wherein, another opportunity has been granted to the applicants to approach the respondents by filing the appropriate applications. The relevant portion of the said order is as under: -

“Applications for impleadment/intervention are allowed.

Leave granted.

These matters were heard on 13.10.2017 when this Court passed the following order:

“Having heard learned counsel for the parties, the order of status quo is modified to the following extent:

- a) the respondent-State is at liberty to call for objections and offer hearing to the objectors in respect of the Draft Scheme of 2017 but shall not finalise the same.
- b) The transporters who are continuing on the basis of 2016 Scheme shall be allowed to operate and if any permit has expired, the same shall be renewed in accordance with law.

If any transporter is eligible to obtain the permit in pursuance of the directions given by the High Court, his case shall be considered and shall not be refused on the ground that a new policy/scheme is coming.”

In response to the above order, the State Government has examined the matter at the highest level and it is stated across the Bar by the counsel for the State that the State Government has decided to withdraw the Draft Scheme of 2017 and all the dispensations afforded under that Scheme. In other words, the Draft

Scheme of 2017, which was the subject matter of challenge in the present proceedings stands completely nullified. We accept this statement.

The State Government has sought permission to take lawful, permissible action under Section 102 of the Motor Vehicles Act, 1988 to cancel or modify the State Carriage Scheme 2016 by following the prescribed procedure under the law in order to remove all the defects therein.

We find no reason to refuse this permission. The State Government may proceed in the matter in accordance with law after giving due opportunity to all concerned.

In view of the statement made on behalf of the State Government, referred to above, which we have accepted, nothing remains for consideration in these appeals. However, we make it clear that all future actions be proceeded in accordance with law.

The appellant(s)/applicant(s) or any other eligible person will be free to make application(s) to the concerned authority, if already not made, for registration and for grant of permit within one week from today, and if so made, the competent authority may consider the same as per law expeditiously and in any case before 20th March, 2020.

If the appellants(s)/applicant(s) are aggrieved by any decision taken by the competent authority, it will be open to them to pursue such other remedies as may be permissible in law including under Section 100(2) of the Motor Vehicles Act, 1988.

In view of the above, nothing survives for consideration in these appeals. Accordingly, the appeals and pending applications, if any, are disposed of.”

Learned counsel for the petitioner in CWP-19758 of 2018 prays that petitioner will approach the respondents by filing appropriate application keeping in view the order passed by the Hon'ble Supreme Court of India.

Petitioner in CWP-11733 of 2018 will also be at liberty to file appropriate application keeping in view the order passed by the Hon'ble Supreme Court of India

Learned counsel for the respondents very fairly states that in case any applications are filed by the petitioners in pursuance to the order passed by the Hon'ble Supreme Court of India, as noticed above, the appropriate order will be passed on those applications within a period of six weeks from the date of receipt of certified copy of this order.

In view of the above, no further orders are required to be passed in these writ petitions and are disposed of accordingly.

February 03, 2020
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**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes