

110

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

CWP-20499-2020 (O&M)
Date of decision: 01.12.2020

Naresh Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balkar Singh, Advocate for the petitioners.

Mr. R.S. Budhwar, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

Through this writ petition, the petitioners had invoked the extraordinary jurisdiction of this Court by seeking the following substantive reliefs:-

“i) Issuance of a writ in the nature of mandamus directing the respondents to issue route permits, time table and permission to ply buses to the petitioner in view of directions of Hon'ble Supreme Court vide order dated 21.01.2020 (Annexure P-2) and order dated 31.01.2019 (Annexure P-1) passed by this Hon'ble Court under the Stage Carriage Scheme, 2016.

ii) Any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case may also kindly be issued in the interest of justice.”

The state of Haryana had issued a Stage Carriage Scheme in year 2016. The validity of the aforesaid scheme was challenged before the High Court. During the pendency of the writ petition, State of Haryana made a statement that a decision to withdraw the Stage Carriage Scheme of 2016 has been taken and in its place, a draft scheme of 2017 has been issued. The writ petitions filed were disposed of by the Division Bench. Against the order passed by the Division Bench, Civil Appeal No.556 of 2020 was filed before the Hon'ble Supreme Court, where the State of Haryana changed its stand and made a statement that the draft scheme of 2017 has been withdrawn and the State of Haryana would continue with Stage Carriage Scheme, 2016 with modifications as are permissible in law. Thus, the Civil Appeal was disposed of by the Hon'ble Supreme Court as infructuous, with the following order:-

“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 appellant(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.”

It is not in dispute that the petitioners herein did not submit any

application within the period prescribed by the Hon'ble Supreme Court.

Learned counsel for the petitioners admit that the application submitted by the petitioners had been returned alongwith the drafts.

Keeping in view the aforesaid facts, learned counsel for the petitioners pray for permission to withdraw the petition so as to file appropriate application before the Hon'ble Supreme Court.

Ordered accordingly.

01.12.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No