

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

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**CWP-6812-2021(O&M)
Date of decision:08.04.2021**

THE INSTITUTE OF ROAD SAFETY

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashish Aggarwal, Sr. Advocate, with
Mr. Mukul Aggarwal, Advocate,
for the petitioner.

Ms. Kirti Singh, Deputy Advocate General, Haryana.

ANIL KSHETARPAL, J.

On 31.03.2021, the following order was passed:-

“Heard learned counsel for the parties at length.

Mr. Ashish Aggarwal, Senior Advocate, assisted by Mr. Mukul Aggarwal, Advocate, has submitted that apart from the other violations, permission granted to the petitioner to hold STALL test and Refresher courses for grant of driving license of heavy transport vehicles has been withdrawn without granting any opportunity of hearing to the petitioner and therefore, the order is void ab initio.

Ms. Kirti Singh, Deputy Advocate General, Haryana, has submitted that the competent authority realizes this mistake and is willing to grant an opportunity of hearing to the petitioner. She submits that the competent authority will pass an appropriate order in accordance with law after considering the point of view of the petitioner.

In the meantime, the petitioner is granted an opportunity to appear before the Licensing Authority, Karnal (under the Motor Vehicles Act, 1988) on 05.04.2021 at 10:00 A.M. The Licensing Authority is expected to independently apply its mind and pass an order within a period of three days thereafter. A copy of the said order be produced on the next date of hearing.

List on 08.04.2021.”

Ms. Kirti Singh, Deputy Advocate General, Haryana, has pointed out that the District Transport Officer-cum-Secretary, Regional Transport Authority, Karnal, has granted an opportunity of hearing to the petitioner and thereafter, decided to allow the petitioner to continue to hold the STALL test and Refresher courses as noticed in the order dated 31.03.2021.

Learned Senior counsel points out that vide an order dated 17.03.2021, the permission with respect to two cities i.e. Karnal and Hisar was directed to be withdrawn. He submits that let the concerned District Transport Officer-cum-Secretary, Regional Transport Authority, Hisar, be directed to pass a fresh order after granting an opportunity of hearing to the petitioner.

Ms. Kirti Singh, Deputy Advocate General, Haryana, has no objection to the aforesaid suggestion of learned senior counsel representing the petitioner.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing respondent No.4-District Transport Officer-cum-Secretary, Regional Transport Authority, Hisar, to pass a fresh order after granting an opportunity of hearing to the petitioner, within 15 days.

08.04.2021**Ayub/nt****(ANIL KSHETARPAL)****JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No