

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

Date of Decision: 26.07.2021

(1) LPA-1066-2018 (O&M)

State of Punjab and anotherAppellants
Versus

M/s Rajguru Transport (Regd.)Respondent

(2) LPA-1247-2018 (O&M)

State of Punjab and othersAppellants
Versus

State Cooperative Transport Society Ltd., KapurthalaRespondent

(3) LPA-1248-2018 (O&M)

State of Punjab and othersAppellants
Versus

Janta Coop. Tpt. Soc. Ltd., AboharRespondent

(4) LPA-1249-2018 (O&M)

State of Punjab and othersAppellants
Versus

M/s Ludhiana Roadways Regd., Raikot, District LudhianaRespondent

(5) LPA-1250-2018 (O&M)

State Transport Commissioner, Punjab and anotherAppellants
Versus

M/s Kanech TravelsRespondent

(6) LPA-1251-2018 (O&M)

State of Punjab and othersAppellants
Versus

New State Tpt. Co. Regd., AboharRespondent

(7) **LPA-1252-2018 (O&M)**

State of Punjab and othersAppellants

Versus

Shankar LalRespondent

(8) **LPA-1104-2018 (O&M)**

Sahib SinghAppellant

Versus

State of Punjab and othersRespondents

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

Present: Mr. P.Chidambaram, Senior Advocate, with
Ms. Anusha Nagrajan, DAG, Punjab, for the appellant
in LPA-1066-2018.

Mr. Atul Nanda, Advocate General, Punjab, with
Ms. Amanat Chahal, Assistant Advocate General, Punjab,
in remaining LPAs.

Mr. Rajinder Sharma, Advocate,
for the appellant in LPA-1104-2018.

Mr. Puneet Bali, Senior Advocate, with
Mr. Vibhav Jain, Advocate,
Mr. Uday Agnihotri, Advocate, for the respondent-Rajguru
Transport Regd.

Mr. Ashwani Kumar Chopra, Senior Advocate, with
Mr. Brahmjot Singh Nahar, Advocate,
for the respondent in LPA-1248-2018.

Mr. Gurminder Singh, Senior Advocate, with
Mr. Gurnoor S. Sandhu, Advocate,
for the respondent in LPA-1247-2018.

Mr. Rohit Kapoor, Advocate,
for the respondent in LPA-1249-2018.

(The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual Court).

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

These are intra-court appeals under Clause X of the Letters Patent against an order and judgment dated 23.05.2018 rendered by the learned Single Judge, vide which the writ petitions filed by the respondents were allowed and the show cause notices issued by the authorities, in purported compliance of the decision of the Division Bench of this Court in Civil Writ Petition No. 15786 of 1999 (M/s Vijayant Travels and another vs. State of Punjab and others), proposing to cancel the repeated extensions and diversions in the trips in respect to the stage carriage permits granted under the Act were quashed.

2. We had heard learned counsel for the parties in the present appeals as also in the connected writ petitions wherein similar notices issued by the authorities under section 80(3) of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the 1988 Act') were assailed. However, vide a separate order of an even date, those petitions have been dismissed as withdrawn with liberty to the petitioners to submit response/reply to the impugned show cause notices before the appropriate authority. Whereafter, as undertaken by the learned Advocate General, Punjab, the authorities shall afford an opportunity of hearing to all the petitioners/operators and decide the matter by passing a reasoned order.

3. Accordingly, learned Advocate General, Punjab on instructions from Dr. Amarpal Singh, State Transport Commissioner, Punjab, submits that as the respondents-petitioners even in these appeals had filed replies to the impugned notices and allege that their permits were varied/extended under section 80(3) of the 1988 Act, the authorities shall issue fresh notices, if so required and if not already issued, to the respondents in similar terms,

as in Civil Writ Petition No. 10296 of 2021 and other connected matters. Whereafter, he suggests that all the matters including those in which fresh notices would be issued shall be decided by the authorities after affording due opportunity to the respondents-petitioners to submit replies and raise all possible/necessary issues.

4. Learned senior counsel appearing for the respondents-petitioners submits that in case such a course is adopted by the State of Punjab, they have no objection in relegating all the matters to the appropriate authority with liberty to take up all the issues including the issue of jurisdiction before it.

5. Thus, in view of the statements made by learned Advocate General, Punjab, as also the learned senior counsel for the respondents-petitioners and to ensure that respondents herein are placed at par and on the same platform as the petitioners in Civil Writ Petition No. 10296 of 2021 and other connected matters, these appeals are disposed of in the following terms:-

The appropriate authority shall issue fresh notices, if so required and if not already issued, for withdrawal of variations/extensions granted under section 80(3) of the 1988 Act to the respondents-petitioners. The respondents-petitioners shall submit their response/replies to the said notices and raise all possible/necessary issues. Whereafter, the appellate authority would afford them an opportunity of hearing and decide the matter by passing a reasoned order.

6. However, in the wake of the consensus that has been reached between the parties and for the viability to follow this suggested course of action, we have to perforce and not on-merits, set-aside the impugned judgment passed by the learned Single Judge, which is accordingly set-aside.

It is made clear that this Court has left all the legal and other issues raised by the respondents-petitioners open and has not expressed any opinion on the merits of the case and therefore, the authorities would be at liberty to examine all the issues including those raised before the learned Single Judge and take a decision thereon in accordance with law without being influenced or bound by the impugned judgment of the Single Bench, which in any case, has been set aside.

7. All the appeals are accordingly disposed of in the above terms.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.07.2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No