

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6510 OF 2013

Petitioners

- : 1. Pawan s/o Ashok Arora,
Aged about 28 years, Occ. Business,
Resident of Janak Society, Vinayak Nagar,
Sector-8, Gwalior, Madhya Pradesh.
2. Jatin s/o Ashok Arora,
Aged 26 years, Occ. Business,
Resident of Janak Society, Vinayak Nagar,
Sector-8, Gwalior, Madhya Pradesh.

Both the petitioners through their Power of Attorney Shri Sitaram s/o Nathuram Gupta, Aged about 56 years, Occ. Working with petitioners, Resident of Chetgiri Colony, Chattarpur, At and Post Gwalior, Madhya Pradesh.

– Versus –

Respondents

- : 1. State of Maharashtra,
through its Secretary, Ministry of Transport,
Mantralaya, Mumbai – 32.
2. Chief Manager,
Maharashtra State Road Transport Corporation,
Central Office, Maharashtra Transport Bhavan,
Dr. Anandrao Nair Marg, Mumbai – 400 008.
3. Divisional Manager,
State Transport Corporation,
Amravati Depot, Amravati.
4. Divisional Manager,
State Transport Corporation, Akola.

WITH

WRIT PETITION NO.1126 OF 2016

Petitioner : Mrs. Tasneem Khan wife of Haji Shamim Khan,
Aged about 57 years, Occ. Business,
Resident of Mahaveer Ward, Multai,
District Betul, Madhya Pradesh.

– Versus –

Respondents : 1. State of Maharashtra,
through its Secretary, Ministry of Transport,
Mantralaya, Mumbai – 400032.
2. Chief Manager,
Maharashtra State Road Transport Corporation,
Central Office, Maharashtra Transport Bhavan,
Dr. Anandrao Nair Marg, Mumbai – 400 008.
3. Divisional Manager,
State Transport Corporation,
Amravati Depot, Amravati.

WITH

WRIT PETITION NO.2296 OF 2014

Petitioner : Mrs. Anjali Shivkumar Sharma,
Aged 48 years, Occupation : Business,
Resident of Alakhddham Nagar, Ujjain,
District Ujjain.

– Versus –

Respondents : 1. The State of Maharashtra,
through Principal Secretary,
Department of Transport Maharashtra State,
Mantralaya, Mumbai.
2. The State Transport Authority, Maharashtra State,
3rd & 4th Floor, Administrative Building,
Near Dr. Babasaheb Ambedkar Garden,
Government Colony, Bandra (East),
Mumbai-51, through its Secretary.

3. The Managing Director & Vice Chairman,
Maharashtra State Road Transport Corporation,
Central Office, Maharashtra Transport Bhavan,
Dr. Anandrao Nayar Road, Mumbai – 400 008.
4. The Divisional Controller,
Maharashtra State Road Transport Corporation,
Buldhana Region,
having its Office at Nandura Road, Buldhana.
5. The Depot Manager,
Shegaon Bus Depot,
Maharashtra State Road Transport Corporation,
Shegaon.
6. The Depot Manager,
Khamgaon Bus Depot,
Maharashtra State Road Transport Corporation,
Khamgaon.
7. The Depot Manager,
Malkapur Bus Depot,
Maharashtra State Road Transport Corporation,
Malkapur.

WITH

WRIT PETITION NO.6335 OF 2017

Petitioners

- : 1. M/s. Kanker Roadways,
A partnership Firm through its Managing Partner,
Shri Navsharan s/o Pritamsingh Garcha,
Aged about 36 years, Civil Lines, Raipur,
Chhatisgarh.
2. Mahendra Madhukar Luley,
Aged about 56 years, Occ. Business,
having its Office at Ashirwad Complex,
Baidyanath Chowk, Great Nag Road,
Nagpur – 440018.
- Versus –

Respondents

- : 1. State of Maharashtra,
through its Secretary, Ministry of Transport
Department, Mantralaya, Mumbai – 400032.
2. Regional Transport Authority,
having its Office at 3rd and 4th Floor,
Administrative Building, Opp. Dr. Ambedkar
Udyan, Government Colony, Bandra (East),
Mumbai.
3. Regional Transport Officer, Nagpur City,
Giripeth, Amravati Road, Nagpur.
4. Regional Transport Officer (Rural),
having its Office at Lal Godam, Indora, Nagpur.
5. Collector, Nagpur.
6. Deputy Commissioner of Police (Traffic),
having its Office at Opp. Punam Plaza, Civil Lines,
Nagpur.
7. Chief Manager,
Maharashtra State Road Transport Corporation,
Central Office, Maharashtra Transport Bhavan,
Dr. Anandrao Nair Marg, Mumbai - 400008
8. Divisional Manager,
Maharashtra State Road Transport Corporation,
Nagpur Division, Nagpur.

Mr. N.C. Phadnis, Advocate for the Petitioner(s) in WP Nos.6510/13, 1126/16 & 6335/17.

Mr. U.A. Gosavi, Advocate for the Petitioner in WP No.2296/14.

Mrs. S.S. Jachak, A.G.P. for Respondent No.1 in WP Nos.6510/13, 1126/16 & 2296/14 and for Respondent Nos.1 to 6 in WP No.6335/17.

Mr. V.H. Kedar, Advocate for Respondent Nos.2 to 4 in WP No.6510/13, for 2 & 3 in WP No.1126/16, for Respondent Nos.3 to 7 in WP No.2296/14 and for Respondent Nos.7 & 8 in WP No.6335/17.

CORAM: **A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.**

DATE : **11th OCTOBER, 2022.**

COMMON JUDGMENT : (Per A.S. Chandurkar, J.)

All the petitioners hold interstate permits enabling them to operate their vehicles in the States of Maharashtra and Madhya Pradesh. This was in view of a Reciprocal Transport Agreement entered into between the State of Maharashtra and the State of Madhya Pradesh on 01/03/2007 under Section 88(5) of the Motor Vehicles Act, 1988. A notification in that regard was issued by the Home Department of the State of Maharashtra. The grievance of the petitioners is that despite such Reciprocal Transport Agreement, the Maharashtra State Road Transport Corporation was not permitting the petitioners to park their buses at the bus-stations operated by the Corporation in the State of Maharashtra. In that backdrop, these writ petitions came to be filed.

02] On 04/02/2015, this Court passed an interim order and directed the Corporation to permit the petitioners to park their vehicles in obedience to obligation cast upon them as per the Reciprocal Transport Agreement entered into on 15/01/1988. In terms of that interim order, the petitioners have been parking their vehicles accordingly.

03] It is submitted by the learned Counsel for the Corporation that the Corporation has proposed an amendment to the Reciprocal Transport

Agreement in Clauses 7 (g) and 10(s). It is further submitted that until such amendment is effected in terms of Section 88 of the said Act, the interim arrangement, which is operating, could be permitted to continue and as and when a fresh Reciprocal Transport Agreement is entered into/existing agreement is duly amended, the parties would be governed by the present arrangement.

04] The learned Counsel for the petitioners submit that the petitioners are entitled to the benefit of the interim order till such time the existing Reciprocal Transport Agreement is either amended or it is replaced by any fresh Reciprocal Transport Agreement.

05] In the light of aforesaid, these writ petitions are disposed of by directing that the interim arrangement as permitted by the order dated 04/02/2015 shall continue to operate till such period the existing Reciprocal Transport Agreement dated 01/03/2007 is either suitably modified or is replaced by a new Reciprocal Transport Agreement. Rule is disposed of in the aforesaid terms with no order as to costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

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