

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

115

**CWP-24094-2022 (O&M).
Date of Decision: 15.11.2022.**

Naresh Dilawari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Petitioner in person.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ. J ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing respondent No.1 to fix actual date of hearing in the appeal titled as 'Naresh Dilawari Vs. The Regional Transport Authority and others' filed on 29.09.2022.

Petitioner appearing in person contends that his grievance emanates from the order passed by the Regional Transport Authority, S.A.S. Nagar, Mohali. He had earlier approached this Court by means of CWP No.19614 of 2022 without success. Aggrieved thereof, the

petitioner preferred LPA No.846 of 2022 which was decided vide order dated 27.09.2022 by noticing that the Motor Vehicle Act prescribes for more efficacious alternative remedy under Section 37 thereof. The main case was accordingly disposed of enabling the petitioner to approach the Appellate Authority.

Thereafter, the petitioner preferred an appeal along with an application seeking condonation of delay in filing the appeal. The same was filed with the Appellate Authority on 29.09.2022, however, despite the case having been pending with the respondent authorities since then no date of hearing has been communicated to the petitioner, compelling the petitioner to approach this Court.

Notice of motion

Mr. Saurav Verma, Addl. A.G. Punjab, accepts notice on behalf of respondents – State and contends that it would be appropriate in the given set of circumstances to direct the Appellate Authority to decide the pending appeal in a time bound manner subject to the petitioner removing objections, if any.

The aforesaid submission of the respondents - State is not opposed to by the petitioner.

Accordingly, with the consent of the parties and without examining the respective claims of the parties, the present petition is disposed of with a direction to the respondent - Appellate Authority Punjab Transport Department i.e. the State transport Commissioner, to decide the

applications as well as the pending appeal filed by the petitioner in a time bound manner and preferably within a period of 06 weeks after the receipt of a certified copy of this order after granting an opportunity of hearing to the respective parties. However, in the event the main appeal and the pending applications are not adjudicated in the aforesaid period, the pending application seeking interim relief may positively be decided within the aforesaid period.

Accordingly, the present petition is disposed of.

November 15, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No