

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

CWP-26893-2021 (O&M)
Date of decision: 05.01.2022

Baljeet Singh

....Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Goyat, Advocate for the petitioner
 Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The extraordinary jurisdiction of the Court has been invoked for issuing the following writ:-

“I. Issue a writ in the appropriate nature particularly mandamus seeking a direction to the respondents to complete the necessary formalities in issuance of permanent or temporary stage carriage permits to the petitioners under the stage carriage scheme 2016 published on 17.02.2017 (Annexure P-1) in official gazette of Haryana Government, in accordance of law, till the date 2016 scheme remains continue or till such time new scheme is notified and further seeking a direction to the respondents for granting the sufficient reasonable time for the registration of the vehicles of the petitioner on the portal of Transport Department namely Vahan under the 2016 scheme in accordance of law and order dated 21.01.2020 (Annexure P-14) passed by the

Hon'ble Supreme Court of India in SLP (Civil) 22800/2017, in the interest of justice.”

The petitioner claims that pursuant to the applications submitted for grant of State carriage route permit, he was issued offer of allotment with respect to the grant of permits for routes no.65 and 68 in March, 2017. The petitioner claims that he deposited the requisite refundable security amounting to Rs.1,00,000/- each, for the above mentioned permits on 13.11.2017. On account of the pendency of the litigation before the High Court as well as before the Hon'ble Supreme Court, the applications submitted by the petitioner are required to be considered afresh.

Sh.Samarth Sagar, Additional Advocate General, Haryana, has entered appearance pursuant to supply of an advance copy of the writ petition and submits that the petitioner has intentionally concealed the fact that the application submitted by the petitioner stands rejected vide an order dated 08.12.2017 on the ground that the petitioner failed to deposit Rs.1,00,000/- each, for respective route permits, as refundable fee within the period prescribed in the letter of offer. A photocopy of the order dated 08.12.2017 has been forwarded on the official email of the Court.

Learned counsel representing the petitioner admits that the petitioner was in the knowledge of the aforesaid order and he has made an assertion to that effect in para 15 of the writ petition.

Be that as it may. There is a specific order passed by the competent authority rejecting the request of the petitioner. In the

considered opinion of the Court, in the absence of challenge to the correctness thereof, the writ petition is not maintainable.

Keeping in view the aforesaid facts, the petitioner, if so advised, may file a fresh petition, while assailing the correctness of the order dated 08.12.2017.

Disposed of.

05.01.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE