

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

CWP No. 27107 of 2022

Date of Decision: 29.11.2022

Dashmesh Transport Co. Regd. Bathinda

-Petitioner

Versus

Regional Transport Authority and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shivender Pal Singh, Advocate,
for the petitioner.
Mr. R.S. Pandher, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus directing the respondent No.1 to re-approve the time table dated 01.09.2022 on Moga to Amritsar route.

Mr. P.S. Bawa, Advocate appears on behalf of respondent No.2.

Learned counsel for the petitioner submits that stage carriage permit was granted to the petitioner and according to Section 72 (2) of the Motor Vehicles Act, the Regional Transport Authority if it decides to grant stage carriage permit, may grant permit for a stage carriage of a specified description and may, subject to any rule, that may be made under this Act, attach to

the permit any one or more of the condition. According to condition no.4 attached to Section 72(2) of the Motor Vehicles Act, 1988, copies of the time table of the stage carriage approved by the Regional Transport Authority shall be exhibited on the vehicles and at specified stands and halts on the route or within the area. Learned counsel for the petitioner submits that for approval of the route in question, no prior notice of 30 days was served upon the petitioner as was mandated under Section 72 (2)-XXII of the Act.

Learned counsel for the respondents jointly submit that in case of any grievance arising out of non-adherence of permit granted to the petitioner, the petitioner has remedy of appeal under Section 89 of the Act.

Faced with the situation, learned counsel for the petitioner seeks to withdraw the present writ petition with liberty to assail the inaction on the part of respondent No.1 in an appeal.

Dismissed as withdrawn with the liberty aforesaid.

In the event of filing an appeal along with an application for condonation of delay, the same shall be decided by the appellate authority in accordance with law.

29.11.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE