

CWP Nos.17409, 29934, 17428 and 17424 of 2022(O&M)

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

Date of Decision: 10.03.2023

1. CWP No.17409 of 2022(O&M)

Darshan Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

2. CWP No.29934 of 2022(O&M)

Amandeep Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

3. CWP No.17428 of 2022(O&M)

Sukhwinder Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

4. CWP No.17424 of 2022(O&M)

Jashanpreet Singh Behla

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Rahul Bhargava, Advocate

for the petitioner(s).

Mr. Sanjeev Soni, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order, CWP Nos.17409, 29934, 17428 and 17424 of 2022 are being disposed of. Since common question of law is involved in all the cases, therefore, facts are being culled out from CWP No.17409 of 2022.

[2]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus, directing the respondent No.3 to release the stage carriage permit granted to the petitioner in response to the grant letter bearing No.1430 dated 28.12.2021 of route Moga to Nangal after completion of legal formalities under Motor Vehicles Act, 1988.

[3]. Perusal of memo No.499 dated 25.03.2022 would show that the extension in time limit for the bus permit on the route in question was given upto 27.06.2022 and the petitioner was directed to produce the relevant papers regarding purchase of vehicle before expiry of the extended period of permit and no further extension in time period will be granted in future and in case of failure to submit the title qua the purchased vehicle, the permit will be deemed to be cancelled.

[4]. The petitioner moved a letter vide diary No.869 dated 27.06.2022 i.e. on the last date of extended period for release of new permit on the route Moga to Nangal with the pleadings that the petitioner had purchased the vehicle on 21.06.2021 from previous owner namely Jawalamukhi Motor Registered Mahilpur and the registration certificate/ownership of the vehicle was under process. The prayer was made for the release of the permit.

[5]. Admittedly, the vehicle could not be registered in the name of the petitioner till the extended date i.e. 27.06.2022. On 02.12.2022, following order was passed:-

“CM No.14996-CWP of 2022

Since the main case is already fixed today, therefore, the prayer for preponing the date of hearing has become infructuous.

Main case

Reply has been filed on behalf of the respondents No.1 to 3 with advance copy to the learned counsel for the petitioner. Perusal of Annexure P-4 would indicate that the time limit for purchase of vehicle was extended upto 27.06.2022. With reference to Diary No.869 dated 27.06.2022 Annexure P-6, the petitioner would be obligated to show that the vehicle in question was purchased on or before the target date.

Learned counsel for the petitioner seeks time to place on record some material to indicate that the vehicle in question was purchased by means of lawful

transaction before the target date.

Adjourned to 19.01.2023.”

[6]. Concededly, the registration certificate of the vehicle allegedly purchased by the petitioner has not been transferred in the name of the petitioner. Learned counsel for the petitioner submits that the petitioner has already paid an amount of Rs.6,18,750/- and has also purchased the vehicle, though the RC of the vehicle has not been changed in the name of the petitioner. Though there is no provision shown for extension of time on second occasion, but the request of the petitioner made vide dairy No.869 dated 27.06.2022 is required to be dealt with by the respondent No.3 in accordance with law without being influenced by any facts recorded hereinabove.

[7]. At this stage, without forming any opinion on the merits of the case, I deem it appropriate to direct the respondent No.3 to decide the application No.869 dated 27.06.2022 strictly in accordance with law.

[8]. All the writ petitions are disposed of accordingly.

[9]. A photocopy of this order be placed on the files of connected cases.

10.03.2023

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No