

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No.18649 of 2023
Date of decision: 24.08.2023

DARSHAN SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vipin Mahajan, Advocate for the petitioner.
Ms. Anu Pal, Sr. DAG, Punjab.

RITU BAHRI, J. (oral)

The petitioner who is a retired personnel has sought quashing of order (Annexure P-10) passed by respondent No.2 whereby, the prayer of the petitioner to exempt him from making payment of tax for the period from 01.05.2022 till 30.05.2023 had been rejected. The petitioner was having a permit to ply bus No.PB06Q-9699 from Batala to Ropar via Udhanwal, Sri Hargobindpur, Tanda, Hoshiarpur, Balachaur etc.

2. Respondent No.3 without giving any notice to the petitioner and without any justifiable reason did not allocate the bus of the petitioner in the time table as chalked out by it w.e.f. 01.05.2022. The petitioner had filed the representation/objections vide Annexures P-2 to P-5 but no response was given. The authorities had subsequently called for report from General Manager, Punjab Roadways Rupnagar and Hoshiarpur and vide letters Annexures P-6 and P-7 information was given by the concerned General Manager that his bus had not plied on the requisite route w.e.f. 01.05.2022 to 30.05.2023.

3. The bus of the petitioner was allotted time slot w.e.f. 01.06.2023 (wrongly mentioned as 01.06.2022). The petitioner had deposited the Motor Vehicle Tax (For short-the Tax) upto 31.07.2022. He prayed for exempting him

from payment of the Tax for the period for which no time table had been allotted to his bus, however, respondent No.2 vide letter (Annexure P-10) declined such exemption and feeling aggrieved, he has filed this petition. The petitioner thereafter, issued legal notice dated 27.07.2023 (Annexure P-13) upon the respondent No.2 calling upon him to address his grievance but no response has been given. Hence, this petition has been filed for giving direction to the respondents to take a conscious decision upon the representation/legal notice dated 27.07.2023 (Annexure P-13).

4. Notice of motion.

5. On asking of the Court, Ms. Anu Pal, Sr. DAG, Punjab accepts notice on behalf of the respondents.

6. Since, it is explicit form the record that the petitioner had not been allowed to ply his bus on the permitted route and no time table had been fixed in this regard from the period from 01.05.202 to 30.05.2023, therefore, without expressing any opinion on the merits of this case, we hereby dispose of this petition by giving directions to respondent No.2 to give an opportunity of hearing to the petitioner on his representation/legal notice dated 27.07.2023 (Annexure P-13) and to further pass a speaking order in accordance with law upon the same within a period of two weeks after receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

24.08.2023
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Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No