

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(114)

CWP-21118-2023

Date of decision: - 21.09.2023

Sandeep Singh and another

....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rohit Kapoor, Advocate, for the petitioners.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing respondent No.3 to withdraw the tentative Time-Tables dated 17.03.2023 (Annexure P-8) as the same have been implemented without following due procedure and is in violation of the mandatory provisions of the Motor Vehicles Act, 1988 as well as the statutory scheme dated 22.02.2018 (Annexure P-4). A further prayer has been made for the issuance of a direction to respondent No.3 to frame and approve fresh joint Time-Tables, himself, in order to regulate stage carriage services on the route line in question by following the mandatory procedure, which requires that the proposed time-tables be published/communicated to all concerned operators, so as to enable them

to make suggestions and prefer objections by passing a speaking order after affording them an opportunity of hearing.

2. Learned counsel for the petitioners has submitted that for the grievance of the petitioners, the petitioners have given a detailed legal notice dated 15.05.2023 (Annexure P-9) to the respondents including respondent No.3/Secretary, Regional Transport Authority, Jalandhar, in which, several issues including issuance of illegal tentative time-tables framed on the route lines in question, which have been issued without following the due procedure, in violation of the mandatory provisions of law and other facts have been detailed and a prayer has been made for initiation of the process for reframing the joint time tables by following the requisite procedure and by following the guidelines which envisage equal treatment and transparency. It is stated that the petitioners would be satisfied, at this stage, in case respondent No.3 considers the said legal notice dated 15.05.2023 (Annexure P-9), in accordance with law, within a specific time frame and in case the pleas raised by the petitioners are found to be meritorious, then, necessary action in accordance with law, after hearing all the concerned parties, be taken.

3. Learned State counsel has submitted that respondent No.3 would consider the legal notice dated 15.05.2023 (Annexure P-9), in accordance with law and the same would be done within a period of four weeks from the date of certified copy of this order.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction to respondent No.3 to consider the legal notice dated 15.05.2023 (Annexure P-9), given by the

petitioners within a period of four weeks from the date of receipt of certified copy of this order and in case respondent No.3 is of the view that the pleas raised by the petitioners are meritorious, then, to take further necessary action after giving an opportunity of hearing to the petitioners and all the other necessary parties. In case the respondent No.3 is of the view that the pleas raised by the petitioners are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of four weeks.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.3 would consider and decide the matter independently, in accordance with law.

September 21, 2023
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No