IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 5th OF FEBRUARY, 2024

WRIT PETITION No. 2131 of 2024

BETWEEN:-

SAJANDAS JAYENDRAI AND COMPANY PROP GHANSHYAM AGARWAL S/O LATE SHRI OMKARMAL AGARWAL, AGED ABOUT 81 YEARS, OCCUPATION: BUS OPERATOR BHAINSDESHI DISTRICT BETUL (MADHYA PRADESH)

.....PETITIONER

(BY SHRI GITESH MARWAHA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY TRANSPORT DEPARTMENT, BHOPAL (MADHYA PRADESH)**

2. **PRINCIPAL SECRETARY THE STATE OF MAHARASHTRA MUMBAI (MAHARASHTRA)**

3. **THE SECRETARY STATE TRANSPORT AUTHORITY MOTIMAHAL GWALIOR (MADHYA PRADESH)**

4. **THE SECRETARY STATE TRANSPORT AUTHORITY MTNL LBUILDING FOUNTAIN BUILDING 2 5TH FLOOR MG ROAD FORT MUMBAI (MAHARASHTRA)**

.....RESPONDENTS

(BY SHRI M.S. JADOUN - GOVERNMENT ADVOCATE)

This petition coming on for hearing this day, the court passed the following:

ORDER

1. The petitioner has raised a grievance that there is a Reciprocal Transport Agreement between the State of Madhya Pradesh and State of

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Maharashtra in regard to grant of State Carriage temporary Permit No.1003/STA/2023 and 1004/STA/2023 from Sarni to Anjangaon (Inter-State) covered by vehicles No.MH20-DD-3651 valid w.e.f. 01.01.2024 to 30.04.2024. Despite the application made for counter-signature, the STA Maharashtra is not counter-signing the permit nor permitting the petitioner to ply the vehicle in the portion of State of Maharashtra. As per the agreement dated 01.03.2007 between the State of Madhya Pradesh and State of Maharashtra, such denial on the part of respondent No.4 is unjust, arbitrary and illegal.

2. In view of such submissions, this petition is disposed of with a direction to respondents No.2 and 4 to take a decision on counter-signature of the permit under the provisions of Reciprocal Agreement notified dated 01.03.2007 within a period of 30 days of receipt of a certified copy of the order, which the petitioner shall be obliged to furnish to respondents No.2 and 4 within 07 days from today and when such order is furnished, the authorities of respondents No.2 and 4 shall either counter-sign the permit if it fulfills the requirements of the agreement dated 01.03.2007 or shall communicate the reasoning for not counter-signing the permit to the petitioner, to which the petitioner will be free to assail before the appropriate Forum. In the meanwhile, the petitioner will be permitted to ply his vehicle in accordance with terms and conditions of the permit and the said vehicle be not stopped on the ground of non-countersigning the permit by the State of Maharashtra subject to the condition that petitioner complies with all other conditions of the permit.

C.C. as per rules.

(ANAND PATHAK)

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JUDGE

Ashish*

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