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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14426-2024
Date of decision : 05.06.2024

Nawshera Transport Company Private Limited, Amritsar ..... Petitioner

Versus

State of Punjab and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. Kanwarbir Singh, AAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. The petitioner-Company (Nawshera Transport Company Private Limited, Amritsar) has filed the instant civil writ petition under Article 226/227 of the Constitution of India, inter alia, seeking a writ in the nature of mandamus directing respondent No. 2 (State Transport Commissioner, Punjab) to cancel permit Number 160-161/CP/RTA/FDK/23 dated Nil (Annexure P-12), which has been granted and issued in complete violation of the provisions of the Motor Vehicles Act, 1988, the Rules framed thereunder and the Notification dated 22.02.2018 (Annexure P-2).

2. Learned counsel for the petitioner-Company has submitted that the permit (Annexure P-12), issued in favour of respondent No. 6 (Vishal Bus Service Regd. Amritsar) are illegal and not in accordance with law and regarding the same, the petitioner had served a legal notice dated 25.04.2024

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(Annexure P-13) upon the authorities of the State of Punjab including the State Transport Commissioner, Punjab (respondent No. 2 herein) and at this stage, the petitioner would be satisfied, in case, respondent No. 2 (State Transport Commissioner, Punjab) considers the said legal notice and takes a final decision on the same, in accordance with law, within a specified time frame.

3. Learned counsel appearing for respondents-State has submitted that respondent No. 2 (State Transport Commissioner, Punjab) would take a final decision on the said legal notice dated 25.04.2024 (Annexure P-13), served by the petitioner-Company, in accordance with law and the same would be done within a period of eight weeks from the date of receipt/production of certified copy of this order.

4. Keeping in view the above-said facts and circumstances, the instant petition is disposed of, with a direction to respondent No. 2 (State Transport Commissioner, Punjab) to take a final decision on the legal notice dated 25.04.2024 (Annexure P-13), served by the petitioner-Company, within a period of eight weeks from the date of receipt/production of the certified copy of this order. It goes without saying that respondent No. 2 (State Transport Commissioner, Punjab) shall afford due opportunity of hearing to all the parties concerned, including respondent No. 6 (Vishal Bus Service Regd. Amritsar).

5. It would also be open to the petitioner-Company to raise all pleas, in accordance with law, including the plea that as per the case of the petitioner-Company, permit issued to respondent No. 6 (Vishal Bus Service Regd. Amritsar) is not in accordance with law.

6. It is made clear that this Court has not opined on the merits of the case and all pleas of the petitioner-Company as well as of respondent No. 6 and

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all other parties concerned would be considered by respondent No. 2 before passing a final decision on the matter.

(HARSH BUNGER)
JUDGE

05.06.2024
sjks

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

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