

CM-2866-CWP-2024
CWP-22334-2022

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2024:PHHC:028539

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116)

CM-2866-CWP-2024
CWP-22334-2022
Date of decision: - 29.02.2024

Raman Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. P.S. Bawa, Advocate,
for the applicant-petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

Mr. Rajinder Sharma, Advocate
for non-applicant/respondent No.5.

VIKAS BAHL, J. (ORAL)

CM-2866-CWP-2024

1. This is an application under Order 9 Rule 9 read with Section 151 CPC for recalling the order dated 20.01.2024 whereby the above-said writ petition has been dismissed for non-prosecution.

2. For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The order dated 20.01.2024 is recalled and the main writ petition is restored to its original number.

CWP-22334-2022

1. This is a Civil Writ Petition filed under Article 226/227 of

the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 07.11.2021 renewing the permit of respondent No.5 passed by respondent No.4.

2. Learned counsel for respondent No.5 has submitted that the petitioner has an alternative and efficacious remedy of filing a revision before the State Transport Appellate Tribunal, Punjab under Section 90 of the Motor Vehicles Act, 1988 (for short 'Act of 1988') whereas in para 22 of the present writ petition, it has been stated that remedy of appeal or revision is not available to the petitioner.

3. Learned counsel for the petitioner has submitted that in view of the said objection, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioner to file the revision petition under Section 90 of the Act of 1988 before the revisional authority. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files the revision petition within a period of 30 days from today, then, the revisional authority be directed not to dismiss the said revision petition solely on the ground of limitation.

4. Learned counsel for respondent No.5 has no objection to the said course of action.

5. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

6. In case the petitioner files any such revision petition within a period of 30 days from today, then, the revisional authority would not dismiss the said petition solely on the ground of limitation.

7. It is made clear that this Court has not opined on the merits

of the case and the revisional authority would decide the matter independently, in accordance with law.

February 29, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No