
(2011) 02 P&H CK 0247

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 16105 of 2010

Ballah Adarsh Cooperative Transport Society Ltd.	APPELLANT
Vs	
Secretary, Regional Transport Authority, and Another	RESPONDENT

Date of Decision : 04-02-2011

Acts Referred:

Citation : (2011) 02 P&H CK 0247

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Judgement

Ranjit Singh, J.—The Petitioner is a Cooperative Transport Society and has been granted a regular stage carriage permit on Rahra-Assandh via Bassi route in District Kaithal. In the year 2002, the Petitioner applied for extension of this route from Assandh to Nissing via Gondher and the same was granted. In the year 2009, the Petitioner applied for renewal , but instead of renewing the permit as granted including the extended route, Respondent No. 1 renewed the permit only qua the original route i.e. Rahra to Assandh via Kheri, Bassi. This is termed as illegally and arbitrary primarily on the ground that while doing so no opportunity of hearing was afforded to the Petitioner and thus, order adverse to his interest has been passed, which is in violation of principle of natural justice.

2. Though the State counsel has explained reasons in detail how this order came to be passed, but without going into the justification thereof, I would adopt the course as adopted by this Court earlier in remanding the case back to the competent authority to re-decide the issue of renewal of route-permit afresh after affording an opportunity of hearing to the Petitioner. In similar circumstances, this Court in CWP No. 5886 of 2010, titled as "The Gharaunda East Co-operative Transport Society Limited v. Secretary Regional Transport Authority Karnal and Ors., decided on 10.8.2010, had remitted the case back to the authority for deciding it fresh after hearing the affected persons. The facts as noticed in the said case were similar and identical to the present case. Learned Counsel for the Petitioner has also drawn my attention to some other judgments,

where same or similar course was adopted by this Court. Accordingly, the present writ petition is allowed. The impugned order is set aside with direction to the Respondents to re-decide the case of renewal by affording opportunity of hearing to the Petitioner and pass an appropriate order in accordance with law within a period of three weeks from the date of receipt of certified copy of this order. It is clarified that this Court has not examined the merits of the claim and the Respondents shall be free to pass any order on merits.