
(2013) 03 RAJ CK 0045
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9208 of 2012

Firoz Khan

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 04-03-2013

Acts Referred:

Citation : (2013) 2 WLN 338

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Advocate : R.K. Rathi, for the Appellant; Pratistha Sinha, for the Respondent

Judgement

Gopal Krishan Vyas, J.—Heard learned counsel for the parties. The petitioner who is existing permit holder of Pali to Jodhpur via Pali Housing Board, Gujaro Ki Dhani, Kharda Gao, Kharda Fanta, Dabar Fanta, Dabar Gao, Artia Gao, Rohit Gao, Lalki, Khara Bera Gao, Nimbla, Kakani, Jodhpur Bai Pass, Jhalamand, Jhalamand Choraha, Bheruji Choraha, Jodhpur has preferred this writ petition for following reliefs:-

It is therefore, humbly prayed that the writ petition may kindly be accepted and allowed and by an appropriate writ, order or direction the respondents may be kindly directed to stop the illegal plying of the buses on the Pali to Jodhpur Via Pali Housing Board, R.T.O. Office Pali, Ghumti, Kerla, Om Bhana Holtage, Rohit, Nimbli, Kakani, Mogra, Jhalamand, Jhalamand Choraha, Riktiya Bheruji Choraha, Jodhpur National High Way route/Notified route and also directed to playing their buses on route which was granted to them and as per time table forthwith.

2. Learned counsel for the petitioner submits that respondent No. 4 is also having permit on the same route but he is making contravention of the terms and conditions of the permit and so many complaints were filed by the petitioner before the Transport Department but Transport Department is not taking any action against him, therefore, the Coordinate Bench of this Court passed an order on 30.01.2013 to apprise what action has been taken against the respondent No.

4. Learned counsel for the petitioner vehemently submits that every permit holder is required to follow the rules and regulation and they cannot contravene the terms and conditions of permit but respondent No. 4 is repeatedly violating the terms and conditions of the permit of the route for which the permit was granted in his favour. Therefore, respondents may be directed to take appropriate action against him.

3. Learned counsel appearing for the Transport Department submits that as and when complaint is received, they are proceedings against the respondent No. 4 so also against other permit holders who are contravening the terms and conditions of the permit. An affidavit has also been filed to apprise this Court the action taken by the respondent department with the prayer that this writ petition may be dismissed. After hearing learned counsel for the parties, I am of the opinion that Transport Department is under obligation to follow the rules and regulations and take appropriate action against the persons, if any violation is made by the permit holder. Therefore, this writ petition is disposed of with the direction to the Transport Department to take appropriate action against all those permit holders against whom complaints are received that they are contravening the terms and conditions of the permit and it is expected from the authorities of Transport Department of Government that action will be taken promptly as and when complaints are received with regard to violation of Rules and the terms and conditions of the permit.