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**(2018) 08 MP CK 0208**

**In the Madhya Pradesh High Court**

**Case No : Writ Petition No. 19218 Of 2018**

Kamlesh Raghuvanshi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

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**Date of Decision : 24-08-2018**

**Acts Referred:**

Motor Vehicle Rules, 1989 — Rule 80  
Constitution of India, 1950 — Article 19

**Citation : (2018) 08 MP CK 0208**

**Hon'ble Judges : Sheel Nagu, J**

**Bench : Single Bench**

**Advocate : M.S. Jadon, Vivek Jain**

**Final Decision : Disposed Off**

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## **Judgement**

Learned counsel for the petitioner has prayed for the following reliefs:-

7.1 To, Issue directions to the respondent Nos. 2 and 4 to countersign the petitioner permit (Annexure P/2), subject to payment of tax as per rule,

permitting petitioner to ply his vehicle in the portion of Maharashtra and the said vehicle be not stopped on the ground of non-countersigning the permit

by the State of Maharashtra.

7.2 The respondents No. 1 and 3 may kindly be directed to ensure the implementation of the agreement strictly with mutual consultation to the

respondents No. 2 and 4.

7.3 Any other writ, order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case may kindly be passed, in the

interest of justice.

The grievance of the petitioner is that STA Gwalior has issued temporary permit

in favour of the petitioner vide Annexure P/2 valid from 1/8/18 to 30/11/18 for the bus bearing registration No.MP10/P0778 having capacity of 50+2 for inter-state route from Sendhawa to Shahda one return trip daily, awaiting counter signature on the said permit by the STA State of Maharashtra for which letter has been sent by the Secretary of STA Gwalior vide Annexure P/3. Petitioner has also submitted an application under the prescribed form under Rule 80 of Motor Vehicle Act Annexure P/4 for issuance of temporary permit by STA Maharashtra State, Mumbai. Petitioner had filed writ petition No. 10517/18 before this court in which by order dated 10/5/18 the permission was granted to ply the vehicle as per the terms and conditions of the permit with further direction to the respondents not to stop the vehicle of the petitioner on the ground of non countersignature of the permit by the State (Annexure P/5). Petitioner has thus again approached this court due to failure of the competent authority at Maharashtra to counter-sign the temporary permit for the same inter-state route.

Learned counsel for the petitioner raising the plea of parity submits that another petition i.e. W.P. No. 15147/18 (Smt. Sangeeta Agarwal Vs. State of M.P. and Ors.) attended with similar circumstances has been disposed of on 11/7/18 in respect of similar inter-state route between Madhya Pradesh and Maharashtra with directions.

Learned counsel for the State does not dispute passing of the order dated 11/7/18 passed in W.P. No. 15147/18 (Annexure P/7) and the website of the High Court also indicates that the order dated 11/7/18 passed in W.P. No. 15147/18 continues to hold the field till date.

In view of above and consensus between the parties, this petition stands disposed of in the same light of order dated 11/7/18 passed in W.P. No. 15147/18 by this court. For ready reference and convenience, the relevant portion of the said order dated 11/7/18 is reproduced below which shall apply to the present case mutatis mutandis :-

Considering the submissions, it is apparent that the said interim order passed by the Apex Court itself is given effect to by the respondents in respect of State of U.P. only and they are regularly giving permits (although temporary permits only) and counter-signing the permits between the State of Maharashtra and M.P. therefore, on the basis of their own submissions, respondents cannot restrain the petitioner in any manner for seeking relief of

counter-signature from the State of Maharashtra.

From perusal of fact situation as well as petition memo, it appears that as per reciprocal agreement dated 01-03-2007 executed between the State of

Madhya Pradesh and Maharashtra, it is apparent that both the States would respect reciprocal agreement/temporary permit given for plying vehicles

between two States. Here, in the present case, State of Madhya Pradesh and its appropriate authority (State Transport Authority) has issued

temporary permit on 28/03/2018 vide permit No.614/STA/18 for plying the vehicle No. MP 15 PA 0357 of the petitioner for the period from 01/04/2018

to 31/07/2018 from Sagar to Nagpur. In absence of counter signature from the State of Maharashtra petitioner is finding hard to ply vehicle between

said destinations. Considering the fact situation, it further appears that it is procedural formality which has to be performed by State of Maharashtra, if

petitioner comply all other terms and conditions as contained into reciprocal agreement as well as in granting temporary permit. Therefore, instead of

pending the petition, this Court deems fit to dispose of this petition with the direction to State of Maharashtra to consider the case of petitioner as per

terms and conditions of reciprocal agreement dated 01-03-2007 and if petitioner fulfills all the condition then counter signature be made immediately

within 7 days from the date of receipt of certified copy of the order so that petitioner if fulfills all the conditions may ply the vehicle between two

destinations as referred above and her right to pursue business/occupation as enshrined under Article 19 of Constitution of India would not be hindered

in any manner.

As an interim arrangement, petitioner shall be allowed to ply her vehicle in accordance with the terms and conditions of permit and the said vehicle

shall not be stopped on the ground of non counter signature of State of Maharashtra over the temporary permit granted to the petitioner.

At this stage, learned counsel for the petitioner also raised the point that STA is not granting permanent permit and only adopting adhoc measure of

temporary permits which causes inconvenience and uncertainty to the bus operator.

Since this is a matter to be decided by the STA and its members, but it is certainly expected from the STA that the decision regarding issuance of

permanent permit would be sorted out by them in a pro-active manner on

positive and affirmative note so that the meetings for grant of permanent permit may not defer and meetings may take place as per their schedule. With the aforesaid directions, petition stands disposed of.