

(2018) 07 MP CK 0269

In the Madhya Pradesh High Court

Case No : Writ Petition No.16258 of 2018

Sanny Bhatiya

APPELLANT

Vs

State Of M.P. & Ors

RESPONDENT

Date of Decision : 27-07-2018

Acts Referred:

Constitution of India, 1950 — Section 19

Citation : (2018) 07 MP CK 0269

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : Shailendra Gupta, Yogesh Chaturvedi

Final Decision : Disposed Off

Judgement

The grievance of the petitioner is that STA Gwalior has issued temporary permit in favour of the petitioner vide Annexure P/2 valid from 1/7/18 to

31/10/18 for the bus bearing registration No. MP10 P 0540 having capacity of 50+2 for inter-state route from Bhurhanpur to Javara (Maharashtra)

one return trip daily, awaiting counter signature on the said permit by the STA State of Maharashtra for which letter dated 27/6/18 has been sent by

the Secretary of STA Gwalior vide Annexure P/3. STA Gwalior has also issued certificate certifying the petitioner to be a nominee of M.P.

Government under the RA Maharashtra and Madhya Pradesh to ply on the route Bhurhanpur to Javara for the validity period as aforesaid. 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 has also filed Annexure P/5 dated 13/7/18 whereby STA Maharashtra had counter signed the permit

which had been issued to the petitioner earlier based upon the order of this court

dated 11/7/18 passed in W.P. No. 15147/18. 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. 15147/2018 (Smt. Sangeeta Agrawal Vs. State

of M.P. and Ors.) attended with similar circumstances has been disposed of on 11/07/18 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 11/07/18 passed in W.P. No. 15147/18 and the website of the High Court

also indicates that the order dated 11/07/18 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 11/07/2018 passed in W.P. No.

15147/18.

For ready reference and convenience, the relevant portion of the said order dated 11/07/18 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

ade 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 proactive 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.