
(2018) 08 MP CK 0219
In the Madhya Pradesh High Court
Case No : Writ Petition No.19605 Of 2018

Toufeequddin Khan

APPELLANT

Vs

State Of Madhya Pradesh & Others

RESPONDENT

Date of Decision : 27-08-2018

Acts Referred:

Constitution of India, 1950 — Article 19

Citation : (2018) 08 MP CK 0219

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : M.S.Jadon, Vivek Jain

Final Decision : Disposed Off

Judgement

1. The present petition filed u/Art. 226 of the Constitution seeks following reliefs:—

7.1 To issue directions to the respondent No. 2 & 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 & 3 may kindly be directed to ensure the implementation of the agreement strictly with mutual consultation to the

respondent No.2 & 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.

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

permit in favour of the petitioner vide Annexure P/2 valid from 29/7/2018 to 31/10/2018 for the bus bearing registration No. MP48/P 1411 for inter-state route from Hosangabad to Segaon two single trip daily, awaiting counter signature on the said permit by the STA State of Maharashtra for which letter dated 31/7/2018 has been sent by the Secretary of STA Gwalior vide Annexure P/3. Petitioner has also filed Annexure P/4 whereby STA Maharashtra had counter signed the permit which had been issued to the petitioner earlier. Petitioner has thus approached this court due to failure of the competent authority at Maharashtra to counter-sign the temporary permit for the same inter-state route.

3. Learned counsel for the petitioner raising the plea of parity submits that another petition i.e. W.P. No. 9894/2018 (Smt Sita Devi Mange Vs. State of M.P. and Ors.) attended with similar circumstances has been disposed of on 18/5/18 in respect of similar inter-state route between Madhya Pradesh and Maharashtra with directions.

4. Learned counsel for the State does not dispute passing of the order dated 18/5/18 passed in W.P. No. 9894/18 and the website of the High Court also indicates that the order dated 18/5/18 passed in W.P. No. 9894/18 continues to hold the field till date.

5. In view of above and consensus between the parties, this petition stands disposed of in the same light of order dated 18/5/18 passed in W.P. No. 9894/18 by brother Anand Pathak J. with admirable lucidity.

6. For ready reference and convenience, the relevant portion of the said order dated 18/5/18 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 26/7/2018 vide permit No.168/STA/18 for plying the vehicle No. MP48/P 1411 of the petitioner for the period from 29/7/2018 to

31/10/2018 from Hosangabad to Segaon. 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.

7. With the aforesaid directions, petition stands disposed of.