

(2019) 03 MP CK 0002

In the Madhya Pradesh High Court

Case No : Writ Petition No. 4142 Of 2019

Virendra Tiwari

APPELLANT

Vs

State Of Mp & Others

RESPONDENT

Date of Decision : 01-03-2019

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2019) 03 MP CK 0002

Hon'ble Judges : G.S.Ahluwalia, J

Bench : Single Bench

Advocate : RK Soni

Final Decision : Dismissed

Judgement

This petition under Article 226 of the Constitution of India has been filed seeking direction to the State of Maharashtra and Secretary, State Transport Authority (in short "STA"), Bandra, Mumbai (Maharashtra) to countersign the temporary permit granted to the petitioner by the State Transport Authority, Gwalior in the light of the reciprocal transport agreement, executed between the State of Madhya Pradesh and Maharashtra on 1-3-2007.

In the petition, it is submitted by the petitioner that temporary permit has been granted to him on Barhanpur to Shirdi (Inter-State) route valid from 03.02.2019 to 31.05.2019 by Vehicle No.MP68P0279, subject to counter- signature of the STA, Maharashtra. Accordingly, letters of recommendation were sent to the STA, Maharashtra, however, in spite of deposit of the requisite fee, the STA, Maharashtra has not countersigned the permit.

The following reliefs have been sought :-

"7.1. By allowing this petition, order and direct the Respondent No.2 & 4, that the application of petitioner for granting counter signature of temporary permit no. 87/STA/2018 held on Barhanpur to Shirdi (Inter-State) route for one return trip daily to be decided speedily and within the time limits. Also, permitting the

petitioner to operate the service in the portion of State of Maharashtra as per terms of Reciprocal Transport Agreement dated 01.03.2007.

7.2. Cost of this petition and advocate fees be awarded to the petitioner from respondent.

7.3. Any other relief, which this Honourable Court deems fit in the favour of petitioner or against the respondent."

This Court by order dated 30/10/2018 passed in the case of Smt. Reena Chachda vs. State of MP & Ors. (Writ Petition No. 25132/2018) has held that although the Gwalior Bench of High Court of Madhya Pradesh has jurisdiction to entertain the writ petition because the Office of STA, Madhya Pradesh is situated at Gwalior, but since the petitioner is seeking a direction for the STA, Maharashtra, therefore, considering the principle of "Forum Conveniens" this Court does not want to exercise its jurisdiction on the ground that a part of cause of action has arisen within the territorial jurisdiction of this Court and has dismissed the petition with liberty to the petitioner therein to approach the High Court of Mumbai for direction to the STA, Maharashtra.

Since the present petition is squarely covered by the order passed by this Court in Writ Petition No.25132/2018, accordingly, this petition is disposed of with the following directions:-

Under the facts and circumstances of the case, where the petitioner is seeking direction against the STA, Maharashtra to counter-sign the temporary permit and the Office of STA, Maharashtra is situated with the territorial jurisdiction of State of Maharashtra and a part of cause of action has also arisen within the State of Maharashtra, therefore, this Court does not find it appropriate to exercise its power under Article 226 of the Constitution of India for directing the STA, Maharashtra to counter-sign the temporary permit issued by the STA, Madhya Pradesh.

Thus, this petition is dismissed on the ground of Forum Conveniens, with liberty to the petitioner to approach the High Court of Mumbai, for redressal of his grievance.