

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

(1) S.B. CIVIL WRIT PETITION NO. 6525/2002
OM PRAKASH Vs. THE STATE OF RAJASTHAN & ORS.

(2) S.B. CIVIL WRIT PETITION NO. 6523/2002
BIHARI LAL Vs. THE STATE OF RAJASTHAN & ORS.
&

(3) S.B. CIVIL WRIT PETITION NO. 6524/2002
PAWAN KUMAR Vs. THE STATE OF RAJASTHAN & ORS.

DATE: 31.10.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Sandeep Pathak for the petitioners.
None present for the respondents.

These are three writ petitions involving similar questions of facts and law, are being decided by this common order.

The facts of S.B.C.W. Petition No. 6525/2002-
Om Prakash Vs. State of Rajasthan & Ors., are taken as leading case.

Brief facts of the case are that the petitioner is a registered owner of vehicle No. RJ-18/P-1105, model 1999 with a seating capacity of 47 in all. The respondent No.2, the Regional Transport Authority, Sikar vide its resolution dated 04.12.2000/30.12.2000 granted a non-temporary stage carriage permit to the petitioner over an inter-state

rout Buhana to Mahindergarh via Dulot etc. and the petitioner was granted permit No. 632/2001 on 30.01.2001. The petitioner after obtaining permit, moved an application for counter sign to Haryana State and the recommendations were also issued by the Secretary, Regional Transport Authority, Sikar for counter signatures.

Since this application has not been decided, therefore, feeling aggrieved by the inaction of the respondents, the petitioner after serving notice for demand of justice through his Counsel, has filed this writ petition with the request to counter sign the permit so that the petitioner may ply his vehicle on the route in question.

Learned counsel for the petitioner has referred Section 88 of the Central Motor Vehicle Act, 1988, which is analogous to Section 63 of the old Act and submits that an agreement has been entered between the Rajasthan and Haryana State and on the basis of the agreement, the respondents have no jurisdiction to refuse or linger the matter regarding counter signatures of the permit.

In some of the writ petitions permits are granted in the year 1999 and in other writ petitions in the year 2001, but in all the three writ petitions

term of permit has already been expired during pendency of the writ petitions and for obtaining counter signatures and further renewal, the petitioners have to make fresh applications.

In S.B.C.W. Petition No. 6523/2002- Bihari Lal Vs. State of Rajasthan & Ors., this Court vide interim order dated 24.09.2002, directed the respondents to counter sign the petitioner's permit No. (R.S.5.9) 1396/1999 for the route Khetri to Rohatak via Nizampur, Narnol, Mahindergarh etc. to ply the vehicle on the aforesaid route on the basis of the aforesaid permit.

Considering the interim directions issued by this Court and presuming that counter sign has been made by the respondents and the petitioner pursuant to the permit granted to him in the year 1999, plied the vehicle on the route in question for a period of 5 years, but after lapse of 5 years, all the petitioners require to move fresh application for permit.

In these facts and circumstances of the case, all the three writ petitions are dismissed as having become infructuous.

The interim order dated 24.09.2002 granted in these writ petitions stand rejected. All the stay applications also stand dismissed.

[4]

The petitioners are always at liberty to challenge any adverse order passed against them before appropriate forum.

(K.S. RATHORE),J.

/KKC/