

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
O R D E R

1. S.B. Civil Writ Petition No.7785 of 2011.

Jitendra Singh Hada son of Shri Jainarain Hada and Another
VERSUS
State of Rajasthan and Others

2. S.B. Civil Writ Petition No.7580 of 2007.

Jitendra Singh Hada son of Shri Jainarain
VERSUS
State of Rajasthan and Others

Date of Order :::: 30.06.2011

Hon'ble Mr. Justice Dalip Singh

Mr. Swaraj Sharma, Counsel for the Petitioners

Mr. S.K. Ajmera and

Mr. S.D. Khaspuria, Addl.Govt. Counsel for the Respondents

By the Court :

Heard learned counsel for the parties.

In writ petition No.7785/2011, the prayer made is for restraining the respondent No.4 from plying the vehicle in accordance with the temporary permit granted to the respondent No.4 in pursuance of the order dated 22.03.2011.

Submission of the learned counsel for the petitioners is that for the route, in question there exists an interstate agreement in between the State of Rajasthan and the State of Madhya Pradesh, which was executed on 19th July, 2007 and that the same was signed by Shri Jagdish Chandra, Commissioner & Secretary to the Government, Transport Department, Government of Rajasthan and by Shri M.K. Rai, Principal Secretary to the Government, Transport Department, State of Madhya Pradesh.

Earlier also S.B. Civil Writ Petition No.7580/2007 came to be filed by the petitioners, wherein an interim order was issued on 11.09.2008, which has been filed as Annexure-4 to the writ petition, wherein the contention of the petitioners has been recorded that as per the information received under the Right to Information from the Government of Madhya Pradesh Shri M.K. Rai was relieved from the post of Principal Secretary, Transport Department on 04.06.2007 and in his place Shri Rakesh Bansal had joined as Principal Secretary, Transport Department on 11.06.2007 and the agreement, in question is said to have been signed by Shri M.K. Rai, as Transport Secretary, Government of Madhya Pradesh on 19.07.2007, whereas he was not authorized for the said purposes after 04.06.2007.

Despite the aforesaid contentions having been recorded in the order dated 11.09.2008 in writ petition No.7580/2007 there is no explanation coming forward on the aforesaid question from the side of the respondents.

An application has been filed by the respondent No.4 Madan Lal for being impleaded as party in S.B. Civil Writ Petition No.7580/2007, as he is a permit holder on a part of the route covered by the aforesaid agreement dated 19.07.2007.

It is not in dispute that so far as the permit of the respondent No.4 is concerned that is due to expire on 30.06.2011, as such no effective order with regard to permit of

the respondent No.4 can be issued in this writ petition, as the same is due to expire today itself.

However, so far as the contention of the petitioner is concerned, since the respondents have not come forward with any explanation as to whether or not on 19.07.2007 Shri M.K. Rai was authorized to sign and execute an interstate agreement with the State of Rajasthan having been relieved of the charge of the Transport Commissioner-cum-Secretary Government of Madhya Pradesh on 04.06.2007 there appears to be *prima-facie* substance in the submission of the learned counsel for the petitioners.

In view of the fact that the permit of the respondent No.4 has already expired today, no further directions are required to be issued in that behalf.

In view of the above S.B. Civil Writ Petition No.7580/2007 [Jitendra Singh Hada Vs. State of Rajasthan and Others] also stands disposed of, as the controversy with regard to validity of the agreement has been decided in the above manner in this writ petition.

The application submitted by Madan Lal Chhabra for being impleaded as party in S.B. Civil Writ Petition No.7580/2007 accordingly also stands disposed of.

The stay applications in both the writ petitions stand disposed of.

The writ petition Nos.2795/2008 and 8375/2009 are ordered to be separated from this case and shall be heard separately.

Consequently, both these writ petitions as well as stay applications and application for impleadment stand disposed of.

Let a copy of this order be placed in S.B. Civil Writ Petition No.7580/2007.

(Dalip Singh) J.

Ashok/