

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

OWP No. 409/2017, MP No. 1/2017

Date of order:-30.03.2017

Janak Singh

Vs.

State and ors.

Coram:

Hon'ble Mr. Justice Ramalingam Sudhakar, Chief Justice (A)

Appearing counsel:

For the Petitioners/Appellant(s)	:Mr. Sunil Sethi, Sr. Advocate with Mr. Sumit Nayyar, Advocate.
For the Respondent(s)	:Mr. L.K. Moza, AAG vice Mr. W.S. Nargal, Sr. AAG.

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| (a) | Whether approved for reporting in
Digest/Law Journal-Net | : Yes/No |
| (b) | Whether approved for reporting in
Press/Media | : Yes/No |
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1. The short issue raised in the writ petition can be addressed in the light of the earlier order dated 22nd of November, 2000 passed by this Court in OWP No. 746/2000 (Annexure-A) and the Letter/Order No. 89/RTOJ dated 6th of April, 2005 addressed by RTO, Jammu to Station House Officer, Bus Stand, Jammu (Annexure-B). In the aforesaid writ petition, a batch of Travel Agents

approached this Court and the following order was passed by this Court on 22nd of November, 2000:-

“The learned counsel for the petitioner submits that the operators, who are operating Tata Sumos be atleast allowed some space for opening of booking office so that they are in a position to pick up the passengers for their vehicles. It is stated that if the vehicles owned by them are parked at a place, which is far away, then it would be difficult for them to pick up passengers from the Jammu City. This appears to be genuine grievance. The respondents would take notice of this contention of the petitioners and provide them with some place, where they can have their booking office. The respondent-authorities in consultation with the authorities of Jammu Municipality would provide them with some space, from where they can operate their booking office.”

2. Consequent thereupon, permission was granted by the Regional Transport Officer, Jammu vide Letter dated 6th of April, 2005 (Annexure-B), which reads as under:-

OFFICE OF THE REGIONAL TRANSPORT OFFICER, JAMMU

To

**The Station House Officer,
Bus stand Jammu.**

No:- 89/RTOJ

Dated:- 6th of April, 2005

Subject:- Two Vehicles Pick-up and settled down the passenger opposite out gate Bus Stand near Petrol Pump M/S Kasturi Lal and Sons.

Sir,

As per the decision of the meeting and permission given by the Worthy Transport Commissioner, Pl, allow the Union of Tata Sumo Van Association to pick-up and settled down the passenger for two vehicles. Opposite out Gate Bus Stand.

Yours faithfully,

**Regional Transport Officer,
Jammu.**

3. The grievance of the petitioners appears to be that the Police Authorities are not permitting the petitioner to park his two vehicles opposite to outer gate of Bus Stand, Jammu, which were earlier permitted by the Regional Transport Officer, is being denied. Therefore, he made a request to the Additional Deputy Commissioner, Jammu vide Letter dated 22nd March, 2017, who in turn made an endorsement to the Traffic Authority (Superintendent of Police), Traffic Police, Jammu to resolve the issue as per the earlier directions.
4. The Superintendent of Police, Traffic Police, Jammu has not taken any decision so far. The lower rank officers are, however, disturbing the petitioner's right to use the space for parking of his two vehicles, as mentioned above.

5. Heard Mr. L.K. Moza, learned AAG appearing vice Mr. W.S. Nargal, Sr. AAG. He states that respondent-authorities would take a decision in the matter on the basis of earlier Court order and letter of the Regional Transport Officer, Jammu, as stated above. His statement is taken on record.
6. In view of the above, the writ petition is **disposed of** with a direction to the respondents to take a decision in the matter in the light of the earlier Court order and the Letter of the Regional Transport Officer, Jammu, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of certified copy of the order passed today.
7. Till such time, petitioner's right to use the space for parking his two vehicles may not be disturbed.
8. Writ petition is, accordingly, disposed of alongwith connected MP(s).

(Ramalingam Sudhakar)
Chief Justice (A)

Jammu,
30.03.2017
Ram Krishan

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