

Before : Gokal Chand Mital & Amarjeet Chaudhary, JJ.

M/S. JAI MATA MINI BUS SERVICE,—Petitioner.

versus

DEPUTY COMMISSIONER, SANGRUR AND ANOTHER,—Respondent.

Civil Writ Petition No. 2612 of 1990.

4th May, 1990.

Motor Vehicles Act (IV of 1939)—S. 60—Route permit—Cancellation of—Route permit holder requesting extension of time for purchasing mini bus—During pendency of application Regional Transport Authority cancelling permit on ground of non-purchase of bus—Cancellation order without hearing is illegal.

Held, that Section 60 of the Motor Vehicles Act, 1939, as was applicable at the relevant time, provides that no permit shall be cancelled unless an opportunity of hearing is given before passing the order of cancellation of permit. Since no opportunity of hearing was afforded to the petitioner, the cancellation order is without jurisdiction.

(Para 2)

Civil Writ Petition under Articles 226/227 of the Constitution of India praying that as under:—

- (i) *that a writ in the nature of Certiorari be issued quashing the impugned orders of respondents No. 1 & 2, attached as Annexures P-3 and P-7;*
- (ii) *that a writ of mandamus be issued to respondent No. 1 to grant extension and issue permit to the petitioner already sanctioned in his favour;*
- (iii) *that any other appropriate writ, order or direction be issued which this Hon'ble Court may deem fit and proper in the circumstances of the case;*
- (iv) *that the petitioner may be exempted from filing certified copies of Annexures P1 to P6;*
- (v) *that issuing of advance notices to the respondents may be dispensed with taking into the urgency involved in the matter;*
- (vi) *that the petition be allowed with costs.*

H. S. Sawhney, Advocate, for the Petitioner.

S. K. Syal, D.A.G., Punjab.

**M/s. Jai Mata Mini Bus Service v. Deputy Commissioner, Sangrur
and another (Gokal Chand Mital, J.)**

ORDER

The petitioner was granted a permit for plying a mini bus on the Dhuri — Mohrana route. Somehow, the petitioner could not purchase the mini bus within the time originally allowed to him and he made a request for extension of time. While his aforesaid request was pending, he purchased the mini bus on hire-purchase agreement. The Regional Transport Authority, who is the Deputy Commissioner,—vide his order dated 7th November, 1989, Annexure P-3, cancelled the permit on the ground that the petitioner had not purchased the bus. Since no notice was issued to the petitioner prior to the passing of the order cancelling the permit, the petitioner could not tell the concerned authority that he had purchased the mini bus and will start plying the same, if the time is extended. The petitioner remained unsuccessful before the State Transport Appellate Tribunal, Punjab, Chandigarh,—vide Annexure P-6 and he has come to this Court to impugn the orders.

Section 60 of the Motor Vehicles Act, 1939, as was applicable at the relevant time, provides that no permit shall be cancelled unless an opportunity of hearing is given before passing the order of cancellation of permit. Since no opportunity of hearing was afforded to the petitioner, the cancellation order is without jurisdiction.

According to the petitioner, a mini bus has been purchased by him and if the competent authority that is, the Regional Transport Authority is satisfied about this fact, it will grant extension of time to the petitioner. Accordingly, orders Annexures P-3 and P-5 are quashed.

With this order and direction, the writ petition is disposed of.

R.N.R.