

ITEM NO.21

COURT NO.8

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 17238-17251/2013

(Arising out of impugned final judgment and order dated 20/12/2012 in WP No. 5611/2011 20/12/2012 in WP No. 5591/2011 20/12/2012 in WP No. 13557/2011 20/12/2012 in WP No. 20859/2011 20/12/2012 in WP No. 22820/2011 20/12/2012 in WP No. 8783/2012 20/12/2012 in WP No. 17880/2012 20/12/2012 in WP No. 17869/2012 20/12/2012 in WP No. 17876/2012 20/12/2012 in WP No. 19880/2012 20/12/2012 in WP No. 19898/2012 20/12/2012 in WP No. 19899/2012 20/12/2012 in WP No. 19900/2012 20/12/2012 in WP No. 19912/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

MINI BUS OPERATORS ASSOCIATION &amp; ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB &amp; ORS.

Respondent(s)

(interim relief and office report)

WITH

SLP(C) No. 14972/2013

(With appln.(s) for directions and appln.(s) for exemption from filing O.T. and impleadment and permission to file lengthy list of dates and Office Report)

SLP(C) No. 15262/2013

(With Interim Relief and Office Report)

SLP(C) No. 15304/2013

(With permission to file lengthy list of dates and Interim Relief and Office Report)

SLP(C) No. 17252/2013

(With appln.(s) for impleadment as party respondent and Interim Relief and Office Report)

SLP(C) No. 17263-17276/2013  
(With Office Report on Default)

SLP(C) No. 17277/2013  
(With Interim Relief and Office Report)

SLP(C) No. 19608/2013

SLP(C) No. 24007/2013  
(Deletion of the name of respondent and Office Report)

SLP(C) No. 25217-25218/2013  
(With Office Report)

SLP(C) No. 27272/2013  
(With c/delay in filing SLP and Office Report)

SLP(C) No. 6199/2014  
(With Interim Relief and Office Report)

C.A No.11106/2014  
(With Office Report)

C.A. No. 11110/2014

C.A. No. 11111/2014

C.A. No. 11114/2014  
(With office report)

C.A. No. 11117/2014

C.A. No. 11119/2014

C.A. No. 5757/2015

C.A. No. 5758/2015  
(With Office Report)

C.A. No. 5760/2015

C.A. No. 5785/2015

SLP(C) No. 16967/2013

S.L.P. (C) ...CC No. 16616/2015

(With appln.(s) for c/delay in filing SLP and appln.(s) for c/delay in refiling SLP and Office Report)

SLP(C) No. 31669-31671/2014  
(With appln.(s) for c/delay in filing SLP and appln.(s) for c/delay in refiling SLP and impleadment and appln.(s) for vacating stay and Interim Relief and Office Report)

Date : 02/08/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

Counsel for the parties:

Mrs Rani Chhabra,Adv.

Mr. Kuldip Singh,Adv.

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Ms. Ruchi Kohli,Adv.

Mr. Tarun Gupta,Adv.

Mr. Rameshwar Prasad Goyal,Adv.

Mr. Vishal Sharma, Adv.

Mr. Shubham Bhalla, Adv.

Mr. Ritesh Khatri,Adv.

Mr. Sandeep Singh Tiwari, Adv.

Mr. Shiv Sagar Tiwari,Adv.

Mr. Nitin Kumar Thakur, Adv.

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Mr. A.K. Ganguli, Sr. Adv.

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Mr. Jagjit Singh Chhabra, Adv.

Mr. Rohit Kapoor, Adv.

Mr. Rajesh Sharma, Adv.

Ms. Nidhi Singh Dubey, Adv.

Mr. Ashok Kumar Juneja, Adv.

Mr. Chand Qureshi, Adv.

Mr. Vijendra Kasana, Adv.

Ms. Shalu Sharma, Adv.

Mr. Devesh Kumar Tripathi, Adv.

Mr. Devender Kumar Saini, AAG

Mr. Samar Vijay Singh, Adv.

Mr. Sanjay Kumar Visen, Adv.

Mr. Gautam Sharma, Adv.

Dr. Monika Gusain, Adv.

Mr. Devesh Kumar Tripathi, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

S.L.P. (C) Nos. 17238-17251/2013 and S.L.P. (C) No. 17252/2013:

Heard learned counsel for the petitioner and learned counsel for the respondent No. 4 - Pepsu Road Transport Corporation. Learned counsel for the Punjab Roadways is absent. Our attention is invited to clause (xi) of Paragraph 136 of the impugned judgment, which read thus:

"(xi). For the reasons given in paragraphs 115 to 123 of this order, the Punjab Mini Bus Service Scheme, 2010 is hereby quashed and mini bus permits issued or renewed illegally,

as per the details given in para 123 of this order, are hereby declared illegal, null and void. Consequently, the writ petitions mentioned in para 2(v) of this order are allowed in the above-stated terms."

It is very fairly stated by the learned senior counsel appearing on behalf of the State and other respondents that the petitioners have not been heard by the High Court while passing the aforesaid operative portion of the Order, which is affecting their rights insofar as they are operating Mini Buses under the Policy of 1980, which has been subsequently superseded/amended by such similar Scheme.

Since the petitioners have not been made parties and heard by the High Court and their rights have been affected, they are at liberty to approach the High Court and seek appropriate relief. If such an application is filed by the petitioners within a month, the High Court shall consider the same and pass appropriate order. The operative portion, which is extracted hereinabove, is kept in abeyance for one month from today.

Application(s) for impleadment stand(s) dismissed.

With the aforesaid liberty, the special leave

petitions stand disposed of accordingly.

SLP(C) No. 14972/2013

Applications for impleadment and directions are dismissed.

No ground for interference is made out to exercise our jurisdiction under Article 136 of the Constitution of India.

The special leave petition is dismissed.

Pending application(s), if any, stand(s) disposed of.

REST OF THE MATTERS:

List tomorrow.

(VINOD KUMAR JHA)  
COURT MASTER

(S.K. RAKHEJA)  
COURT MASTER

(SUMAN JAIN)  
COURT MASTER