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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE**

ON THE 25th OF APRIL, 2024

WRIT PETITION No. 9034 of 2024

BETWEEN:-

**KETAN CHOUHAN S/O RAMESH CHOUHAN, AGED
ABOUT 35 YEARS, W N 3 KANGI HAUS GALI KHETIA
DISTRICT BADWANI MP (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI HIMANSHU SHARMA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL MP
(MADHYA PRADESH)**
- 2. PRINCIPAL THE STATE OF MAHARASHTRA
MUMBAI (MAHARASHTRA)**
- 3. SECRETARY STATE TRANSPORT AUTHORITY
HURAWALI HILL SIROL, GWALIOR (MADHYA
PRADESH)**
- 4. SECRETARY STATE TRANSPORT AUTHORITY
COMMISSIONER OFFICE, MTNL BUILDING 5TH
FLOOR G ROAD FORT, MUMBAI
(MAHARASHTRA)**

.....RESPONDENTS

***(BY SHRI VIVEK KHEDKAR - ADDITIONAL ADVOCATE GENERAL WITH
SHRI G.S. CHAUHAN - GOVERNMENT ADVOCATE)***

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

The petition under Article 226 of the Constitution of India has been filed
praying for following reliefs:-

"(i) That, the respondents No.2 and 4 be directed to henceforth countersign the permit granted to the petitioners vide order dated 04.03.2024 (Annexure P/1) passed by S.T.A. M.P. without any delay.

(ii) That the respondent No.1 and 3 may kindly be directed to ensure the implementation/give effect to the agreement strictly

(iii) That, the other relief doing justice, including cost be awarded."

2. At the outset, learned counsel for the respondent/State has raised objection with regard to maintainability of the present petition on account of territorial jurisdiction but during the course of arguments since learned counsel for the petitioner limited his prayer only with regard to issuance of directions to State Transport Authority Maharashtra for taking decision on their applications for countersigning the permit which has already been signed by the State Transport Authority Gwalior, it is submitted that if such directions are issued then State Transport Authority Maharashtra shall take appropriate decision on the applications.

3. After going through the petition, the Court finds that a Reciprocal Transport Agreement arrived at between the State of Madhya Pradesh and State of Maharashtra with regard to grant of permit to the vehicles ply between two States. As per provisions of the said agreement, the Secretary, State Transport Authority Madhya Pradesh vide order dated 04.03.2024 had granted temporary permit No. 73/STA/2024 from Sendhawa to Nandurwar covered by vehicle No. MP46-P-2156 valid upto 30.06.2024 and temporary permit No. 71/STA/2024 from Sendhawa to Nandurwar covered by vehicle No. MP46-P-1256 valid upto 30.06.2024 in favour of petitioner. Despite the application made for counter-signature, the STA Maharashtra is neither counter-signing the permit

nor permitting the petitioners to ply the vehicle in the portion of State of Maharashtra. As per the agreement dated 01.03.2007 between the State of Madhya Pradesh and State of Maharashtra, such denial on the part of respondents is unjust, arbitrary and illegal.

4. In view of such submissions, this petition is disposed of with a direction to respondents No.2 and 4 to take a decision on counter-signature of the permit under the provisions of Reciprocal Agreement notified dated 01.03.2007 within a period of 7 days of receipt of a certified copy of the order, which the petitioner shall be obliged to furnish to respondents No.2 and 4 within 02 days from today and when such order is furnished, the authorities of respondents No.2 and 4 shall either counter-sign the permit if it fulfills the requirements of the agreement dated 01.03.2007 or shall communicate the reasoning for not counter-signing the permit to the petitioner, to which the petitioner will be free to assail before the appropriate Forum.

5. In the meanwhile, it is directed that if no decision is taken within the aforesaid period then the petitioner will be permitted to ply his vehicle in accordance with terms and conditions of the permit and the said vehicle shall be not stopped on the ground of non-countersigning the permit by the State of Maharashtra but it would also be subject to the condition that petitioner complies with all other conditions of the permit.

6. With the aforesaid observations, the present petition is **disposed of.**

C.C. as per rules.

(MILIND RAMESH PHADKE)
JUDGE

