



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE G. S. AHLUWALIA
ON THE 20th OF SEPTEMBER, 2024
WRIT PETITION No. 27856 of 2024
MAA SHARDA ASSOCIATE
Versus
*THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:

Shri Brajesh Kumar Dubey- Advocate for petitioner.

Shri Swapnil Ganguly- Deputy Advocate General for the respondents/State.

ORDER

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:-

“(i) To issue a writ in the nature of mandamus this Hon’ble Court may kindly be graciously pleased to issue writ of certiorari quashing the impugned order dated 09/08/2024 (Annex.-P/3) and issue/grant the permit as applied by the petitioner.

(ii) To issue a writ in the nature of mandamus this Hon’ble Court may kindly be graciously pleased to issue writ/direction to the respondent No. 3 to consider the application for grant the temporary permit (Annex.-P/4) as applied by the petitioner.

(iii) Any other reliefs which this Hon’ble Court deem fit in the circumstances of the case, may also be granted to the petitioner together with the cost of this writ petition.”

2. It is submitted by counsel for petitioner that the petitioner is the owner of Bus No. MP-09-FA-5405 and he filed an application for grant



of temporary permit from Maihar to Mauganj route via Amarpatan, Bela, Rewa, Raipur, Mangawa, Devtalab. Earlier, respondent No. 3 did not decide the application, therefore, the petitioner filed W.P. No. 19142/2024 which was disposed of by order dated 22.07.2024 with a direction to respondent No. 3 to consider the application. By impugned order, the application for grant of temporary permit has been rejected.

3. Challenging the order passed by respondent No. 3, it is submitted by counsel for petitioner that although the order under challenge is an appealable order but since the STAT is not functioning, therefore, the petitioner has approached this Court. It is further submitted that earlier the petitioner was granted temporary permit to ply his bus on the same route but now by passing the impugned order on the basis of non existing grounds his application for grant of temporary permit has been rejected.

4. Considered the submission made by counsel for petitioner.

5. The respondent No. 3 has rejected the application on the ground that not only there is a possibility of clash of timings of transporters who are already plying their buses on the given route but the temporary need is also not in existence.

6. Section 87(1)(c) of Motor Vehicle Act provides for grant of temporary permit which reads as under:-

“87. Temporary permits- (1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 80, grant permits, to be effective for a limited period which shall, not in any case exceed four months, to authorise the use of a transport vehicle temporarily-



(c) to meet a particular temporary need.”

7. This Court has repeatedly held that temporary permit cannot be used as a substitute of regular stage carriage permit. Furthermore, petitioner in his application had pleaded that because of festivals, the temporary permit is required for movement of commuters. However, the reasons which are assigned by the petitioner are covered by Section 87(1)(a) and not 87(1)(c) of Motor Vehicle Act.

8. Under these circumstances, this Court is of considered opinion that respondent No. 3 did not commit any mistake by rejecting the application for grant of temporary permit.

9. Petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

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