

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 18th OF MARCH, 2024

WRIT PETITION No. 4894 of 2024

BETWEEN:-

**SHEIKH NAVED S/O SHEIKH NASEEM, AGED
ABOUT 44 YEARS, OCCUPATION: BUS
OPERATOR R/O. H. NO. 70, PUTLIGHAR COLONY
SHAHJAHANABAD BHOPAL DISTRICT BHOPAL
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ASHISH RAWAT - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH THE SECRETARY DEPARTMENT
OF TRANSPORT MANTRALAYA, VALLABH
BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. STATE TRANSPORT AUTHORITY M.P.
THROUGH ITS SECRETARY HURRA HILLS
GWALIOR DISTRICT GWALIOR (MADHYA
PRADESH)**
- 3. DINESH KUMAR SHARMA S/O SHRI
KAILASH CHANDRA SHARMA RESIDENT
OF WARD NO.13 YVAVARA ROAD
BARADWARI BHOPAL DISTRICT BHOPAL
(MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI SWAPNIL GANGULY – DEPUTY ADVOCATE GENERAL FOR
RESPONDENTS NO. 1 AND 2 / STATE AND SHRI BRAJESH KUMAR
DUBEY – ADVOCATE FOR RESPONDENT NO. 3)***

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

ORDER

1. This petition under Article 226 of the Constitution of India has been filed against order dated 9.2.2024 passed by State Transport Authority, Gwalior, by which , an application filed by the petitioner for plying bus from Bhopal to Ajmer Inter-State route has been rejected on two grounds , firstly, the vehicle offered by the petitioner is not fitted with VLTD devise and secondly, the tax from the month of October, 2023 to January, 2024 of vehicle no. MP22P-0252 has not been deposited.
2. It is submitted by counsel for the petitioner that although the application for grant of temporary permit was filed by the petitioner on 6.12.2023 and whereas the application for the same route was filed by respondent no. 3 on 19.1.2024 but even then the petitioner was treated as co-applicant and respondent no. 3 was treated as main applicant.
3. It is further submitted that so far as the deposit of tax is concerned, it was not an objection by respondent no. 3 but it appears that respondent no. 2 had on his own verified as to whether any tax is outstanding against any of the vehicle owned by the petitioner or not and accordingly, it was held that the tax is outstanding from the month of October, 2023 till 31.1.2024 for bus no. MP22P-0252.
4. It is submitted by counsel for the petitioner that although the ownership of bus no. MP22P-0252 is not in dispute and the petitioner is owner of the said bus but it is incorrect to say that the tax was outstanding. In fact, the petitioner has filed a copy of certificate dated

15.2.2024 as Annexure-P/6 to show that the tax on the said bus has already been paid till 29.2.2024.

5. Heard learned counsel for the parties.
6. First question for consideration is as to whether any tax was outstanding on bus no. MP22P-0252 on 9.2.2024 when the impugned order was passed by STA or not?
7. The petitioner has filed a copy of certificate dated 15.2.2024 which is to the effect that the tax on bus no. MP22P-0252 is paid up to 29.2.2024. However, the petitioner has not filed any document to show that the tax on the said bus was not outstanding from the month of October, 2023 till 31.1.2024 on the date of passing of the impugned order. If any tax has been deposited subsequent to the passing of the impugned order, then subsequent act of depositing the tax would not nullify the impugned order. Since the tax was outstanding against the bus bearing registration no. MP22P-0252, therefore, in the considered opinion of this court, STA did not commit any mistake by rejecting the application filed by the petitioner.
8. Accordingly, no case is made out warranting interference. The petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE