

Allied Transport Company and Another

Vs

State of Madhya Pradesh and Others

Writ Petition No. 155 of 1979

(D.A. Desai, A.P. Sen JJ)

08.05.1981

JUDGMENT

DESAI, J. –

1. The point raised in this group of writ petition and special leave petitions is covered by the decision rendered by this Court in Civil Appeal No. 1029 of 1981 and allied appeals pronounced on March 13, 1981 [Vishnudas Hundumal v. State of M.P., (1981) 2 SCC 410]. Therefore this group of writ petition and special leave petition will be governed by the aforementioned judgement and will stand disposed of in terms of that judgment.

2. The order herein indicated would have been sufficient for disposal of this group of matters but learned counsel appearing for the Madhya Pradesh Road Transport Corporation very vehemently urged that an attempt is being made by the operators to take an unfair advantage of the judgment of this Court as if the judgment mandates the authorities under the Motor Vehicles Act to grant them permits which they are not otherwise entitled to. One has to guard against such a situation. Being conscious of this fact, in the judgment dated March 13, 1981, Civil Appeal No. 1029 of 1981, we have clearly expressed ourselves in this behalf. That bears reproduction as part of this judgment : (SCC p. 413, para 8)

Before concluding it may be noticed that we were told that the petitioner's permits have expired. This order is not to be interpreted or used for even remotely or indirectly suggesting that under the effect of this order or as result of this order petitioner are not entitled to renewal of their permits. The benefits of the order hereinabove made would be available, if and only if, the petitioners have valid permits for operating stage carriages and if such permits are there, they would be without restriction for operating on that part of the route of each of the petitioners which overlaps with the notified route but is would be open to the Regional Transport Authority to impose corridor restrictions. So, however, that such restriction does not suffer from the defect of discrimination which we have held by this judgment to be unconstitutional. Order accordingly. We allow the special leave petitions and the writ petitions to the extent hereinabove indicated with no order as to costs.

3. Even on this occasion we want to be explicit with regard to what we are directing by this judgment.

4. If the petitioners have valid permits and they are subsisting today but are curtailed, and on the

routes covered by those permits including the nationalised routes there are other operators similarly situated whose permits are not curtailed, then the curtailment of the permits of the petitioners will be invalid. That is all the operative portions of this judgment, and that is what we hereby direct.

5. We, however, propose to take note of certain special facts brought to our notice in this group of matters, and would deal with each one of them separately.

6. Vindhya Motor Transport Co. has filed S.L.P. No. 6148 of 1979. The petitioner has a permit renewed for a period of three years effective from October 13, 1979 and the permit has been curtailed on Rewa-Shahdol section. We direct the R.T.O. to remove the curtailment if there are other similarly situated permit holders whose permits are not curtailed. This order is not meant to suggest that a permit is to be granted pursuant to this order.

7. Krishna Transport Co. has filed S.L.P. No. 6138 of 1979. The permit held by this petition has been renewed for a period of three years commencing on June 30, 1977 and it has been curtailed on Rewa-Shahdol section. The direction hereinabove given in case of Vindhya Motor Transport Co. will apply mutatis mutandis to this case.

8. Tandon and Sons have filed S.L.P. No. 6149 of 1979. They held a permit up to August 11, 1970 and thereafter the permit is neither renewed nor a fresh one issued to them. Eleven years after, no case is made out for any relief being granted to them.

9. But the petitioners Tandon and Sons have another permit on Rewa-Garsari route which was renewed for a period of three years effective from April 4, 1979 but was limited to Garsari-Rehta route only. This has the effect of curtailment of permit and if there is another operator similarly situated without curtailment of permit the R.T.A shall remove the curtailment in the case of this petitioner also.

10. Ramgopal Satyanarain has filed S.L.P. No. 6094 of 1979. This petitioner's permits was renewed with effect from July 7, 1980 for Shahdol-Annappur. This has the effect of curtailing the permit on Rewa-Shahdol route. The direction given above in Vindhya Motor Transport Co.'s case will apply mutatis mutandis to this case.

11. Ramgopal Satyanarain has also another permit for operating on Rewa-Pandra route. This permit has not been renewed since June 26, 1971. Ten years after the last renewal, no case is made out for any relief, and the petition in that behalf would stand rejected.

12. Allied Transport Co. has filed Writ Petition No. 155 of 1979. It is difficult to make out if any of the permits of the petitioner is curtailed. The petitioner appears to have three permits for operating on three routes bearing names Sidhi-Shahdol (Permit No. 198), Shahdol-Janakpur (Permit No. 337) and Sidhi-Shahdol (Permit No. 441). It appears from the record that the operator operated his buses on the strength of some stay order. His Permit No. 198 expired on December 31, 1972; Permit No. 337 expired on September 25, 1969 and Permit No. 441 expired on September 30, 1965. Thereafter, the petitioner appears to be not in possession of any valid permit. No question of granting any relief arises to this petitioner after such a long lapse of time. The petition is hereby rejected.

13. The order in each case is subject to the decision rendered in Civil Appeal No. 1029 of 1981.

</html