

K. T. Dharanendrah

Vs

Regional Transport Authority and Others

Civil Appeal No. 406 of 1987

(K. N. Singh, E. S. Vankataramiah JJ)

17.02.1987

ORDER

1. Special leave granted.

2. The appellant was an applicant for a temporary permit to ply a stage carriage on the route Chitradurga to Davanagere and back under Section 68-F(1-C) of the Motor Vehicles Act hereinafter referred to as the 'Act'. It is not necessary to set out the entire history of this case. When the matter came to the High Court, the Division Bench of the High Court set aside the orders passed by the learned Single Judge of the High Court and of the Tribunal and remanded the case to the Regional Transport Authority to consider the question whether there was any need for additional services on the route in question. The necessity for applying under Section 68-F(1-C) arose on account of a scheme published under Section 68-C of the Act by the State Transport Undertaking of the State of Karnataka in the year 1979 in respect of the said route. When this matter came before us, we called upon the State Transport Undertaking to show cause why the draft scheme should not be quashed on account of the inordinate delay in not publishing the approved scheme under Section 68-D of the Act. Admittedly, the scheme has not yet been approved under Section 68-D of the Act. No satisfactory explanation has been given by the State Transport Undertaking for not finalising the scheme till now as contemplated by law. We, therefore, following the decision of this Court in Shri Chand v. Government of U.P. ((1985) 4 SCC 169) and Phool Chand Gupta v. Regional Transport Authority, Ujjain ((1985) 4 SCC 190) quash the draft scheme. We, however, make it clear that the State Transport Undertaking or any other person who has obtained permits under Section 68-F(1-A) or Section 68-F(1-C) as the case may be, as a consequence of the publication of the draft scheme referred to above may continue to operate their services until the expiry of August 31, 1987 provided they are plying their services today. We, however, reserve liberty to the State Transport Undertaking either to initiate a fresh scheme under Section 68-C of the Act or to proceed with any other draft scheme which has already been published in respect of the route in question. Since we have quashed the scheme, the question of considering any application under Section 68-F(1-C) as a consequence of the publication of the draft scheme which is quashed by this order does not arise.

3. The appeal is disposed of accordingly.

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