

Devki Nandan

Vs

State of Rajasthan and Others

Writ Petition (Civil) No. 1471 of 1986

03.03.1987.

ORDER

1. We have heard the learned counsel for the parties. In this writ petition the petitioner has questioned the validity of a draft scheme under Section 68-C of the Motor Vehicles Act hereinafter referred to as the 'Act' vide Notification No. E(4)(Plan)RSRTC/Transport/150 dated March 30, 1979 published in the Rajasthan Gazette on April 13, 1979 in respect of the routes Udaipur-Kelnada and Udaipur-Nathdwara. The said scheme has not yet been approved either with or without modification even though eight years have elapsed. We are not satisfied with the explanation tendered on behalf of the Hearing Authority for not completing the proceedings during these eight years. Following the decision of this Court in Shri Chand v. Government of U.P., Lucknow [(1985) 4 SCC 169] and in Phool Chand Gupta v. Regional Transport Authority, Ujjain [(1985) 4 SCC 190] we quash the draft scheme and issue a writ to the Authority hearing matter under Section 68-D of the Act not to proceed with the hearing. We, however, make it clear that it is open to the State Transport Undertaking of Rajasthan to publish a fresh scheme, if it is so advised in respect of the routes in question. If either the State Transport Undertaking or anybody else has been issued any temporary permits on the routes in question under Section 68-F(1-A) or Section 68-F(1-C) as the case may be they shall continue to operate their stage carriages pursuant to the said temporary permits until the expiry of August 31, 1987. If a fresh scheme is published, the Authority hearing the matter under Section 68-D of the Act shall conclude the proceedings within six months from the date of the publication of the scheme.

2. The writ petition is disposed of accordingly.

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