

SUPREME COURT OF INDIA

K. Anantha Raju

Vs.

A.P. State Road Transport Corporation

(V.N. Khare and S.N. Variava JJ.)

10.10.2000

ORDER

1. The appellant claims that he holds a stage carriage permit on an inter-State route known as Kolar Gold Field, Mandanapalli. The said route partly falls within the State of Karnataka and partly lies in the State of Andhra Pradesh. There is another inter-State route known as Kurnool to Vellore. The said route lies in three States, namely, the State of Andhra Pradesh, the State of Karnataka and the State of Tamil Nadu, and yet there is a smaller route known as Mandanapalli-Kadiri. This route falls within the State of Andhra Pradesh. It is not disputed that a notification was issued under Section 68C of the repealed Motor Vehicles Act, 1939 in respect of Kurnool-Vellore route as far back in the year 1975. Kurnool-Vellore inter-State route overlaps Mandanapalli-Kadiri route. It is also not disputed that Mandanapalli-Kadiri route is a notified route. According to approved scheme for Mandanapalli-Kadiri route, there is a complete exclusion of other operators on the route except the categories mentioned therein. The appellant, in the year 1982, applied for variation of route by inclusion of Mandanapalli-Kadiri route in his original route. It is alleged that the Karnataka State Transport Authority granted variation of route as prayed for by the appellant, subject to the counter-signature to be granted by the State of Andhra Pradesh and also subject to payment of double point tax. Pending the counter-signature of variation of route, the Andhra Pradesh State Transport Authority granted temporary permit to the appellant on Mandanapalli-Kadiri route on 3.3.1982 under Section 68 F(1-C) of the Motor Vehicles Act, 1939. The Andhra Pradesh State Road Transport Corporation filed a writ petition under Article 226 of the Constitution, challenging the grant of temporary permit to the appellant before the High Court of Andhra Pradesh. Since there was difference of opinion between the two learned Judges, the matter was referred to a Full Bench of the High Court. The Full Bench was of the view that where there is an approved scheme for a route which is covered by a route for which a draft scheme under Section 68C of the Act has been published, no permit can be granted under Section 68 F(1-C) of the Act on the notified route. Consequently, the writ petition was allowed and permit granted to the appellant was set aside. It is against the said judgment, the appellant is in appeal before us.

2. We have heard learned Counsel for the appellant and also Counsel appearing for the respondents and we are in agreement with the view taken by the Full Bench of the Andhra Pradesh High Court. It is not disputed that the appellant had been granted permit on the approved route. The scheme provides total exclusion of private operators. It has also been brought to our notice that the State Transport Authority has already issued permit to the Andhra Pradesh State Road Transport Corporation to ply its vehicles on the notified route and on the basis of the said permits, the Corporation is plying its vehicles on the said route. Under such circumstances, no permit could have

been granted to the appellant under Section 68 F(1C) of the Act. We are, therefore, in agreement with the view taken by the High Court. The appeal fails and is accordingly dismissed. The interim order stands vacated. There shall be no order as to costs.