

(1998) 01 RAJ CK 0008

In the Rajasthan High Court

Case No : Civil Writ Petition No"s. 6535 and 6656 of 1993

Ajay Singh and Another

APPELLANT

Vs

State Transport, Appellate Tribunal, Rajasthan, Jaipur and Others

RESPONDENT

Date of Decision : 09-01-1998

Acts Referred:

Motor Vehicles Act, 1988 — Section 88

Citation : AIR 1998 Raj 266 : (1998) 3 WLC 336

Hon'ble Judges : Arun Madan, J

Bench : Single Bench

Advocate : Bharat Vyas, for the Appellant; B.P. Agrawal, General, J.M. Jain, Praveen Balwada and J.C. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Arun Madan, J.—The abovenoted writ petitions have been preferred before this Court by the petitioners who have both challenged the order dated 14-7-1993 passed by the Rajasthan State Appellate Tribunal, Jaipur-respondent No. 1 (hereinafter referred to as "the STAT") in Revision Petition No. STAT (125/93) and Revision Petition No. STAT (151/93) whereby, a non-temporary stage carriage permit granted in favour of the petitioners by the Regional Transport Authority, Jaipur Region, Jaipur-respondent No. 2 (hereinafter referred to as "the Authority") for the route Neem-ka-thana to Bhiwuri was quashed and set aside. Since the petitioners in both the writ petitions have challenged the operation and effect of the common order dated 14-7-1993 passed by the STAT and in view of the identical question of law being involved for consideration of this Court, the same are being dealt with and disposed of by this common order. For the sake of convenience and ready reference, I deem it appropriate to refer to the facts stated in S.B. Civil Writ Petition No. 6535/93 and which shall be treated as a main case.

2. The facts giving rise to the filing of these Writ Petitions briefly stated are that

the Authority has been vested with power to open routes and grant permits to ply the heavy vehicles including passenger carriage transport and in exercise of its powers introduced a new route for plying of the passenger vehicles by the transport operators between Neem-ka-thana to Bhiwari via Mavanda. Sihod, Mehada, Nijampur, Narnol, Ateli, Kund. Rewari, Hasaka and Daruheda which is 139 Kms in length and "A" Class in nature. The said route was opened by the Authority vide order dated 24-12-1992.

3. The aforesaid route in question is a interstate route which traverses from the State of Rajasthan to the State of Haryana and other State territories within the Rajasthan. Though, the starting point and terminus point are situated in the State of Rajasthan but the touching point within the boundaries of State of Haryana exceeds 16 Kms. in stretch. Hence, as per the rules consent of the State of Haryana is equally necessary under the rules before the petitioners are permitted to ply their vehicles between two States i.e. the Rajasthan and Haryana. It has been contended by the petitioners that as on 24-12-1992 in furtherance of opening of the new route as aforesaid, the Authority granted non-temporary stage carriage permits in favour of one Jagmal Singh and other who had also applied for the inter-State carriage permit for the new route as aforesaid. The petitioners who owned vehicles being desirous of plying their vehicles in the aforesaid newly introduced inter-State carriage route applied for non-temporary stage carriage permit by moving an application in the office of Authority on 22-1-93 for plying their vehicles on daily trip in the said route. Simultaneously, the petitioners also moved an application to the Authority whereby they had requested the Authority for calling of Circulation Note. The Authority accordingly called for the Circulation Note vide an order dated 22-1 -93 and in pursuance thereof the Secretary, Regional Transport Authority prepared a Note dated 27-1 -1993 and sent the same for consideration before the Authority at Jaipur. The matter was taken up for consideration on 15-2-1993 and after giving hearing to the learned counsel for the petitioners and also some objectors, granted non-temporary stage carriage permits to the petitioners for the route in question for the period of 5 years. The petitioners duly obtained the permits from the authority thereafter, applied for grant of counter-signatures of the State of Haryana so as to enable them to ply their vehicles on the aforesaid route. 4. Feeling aggrieved by the grant of non-temporary stage carriage permits for the aforesaid route in question to the petitioners, the Rajasthan State Road Transport Corporation-respondent No. 3 (hereinafter referred to as "the Corporation") preferred a revision petition before the STAT against the order dated 15-2-1993 passed by the Authority. In the revision petition, the following questions of law were raised for consideration of the STAT, which are as under:-

(1) Whether the overlapping facility of 9 Kms. of the Nationalized Scheme is valid or not?

(2) Whether the Regional Transport Authority, Jaipur, has jurisdiction to open inter-State route and grant permits without resorting to agree-meants?

5. During the course of hearing, it was contended by the learned counsel for the petitioners that a part of the route from Neem-ka-thana to Mavanda Khurd approximately 9 Kms. in length overlaps nationalized route Shahpura to Khetri via Neema-ka-thana. Reliance was placed by the learned counsel in this regard on the Gazette Notification dated 13-1 -75 published in Rajasthan Gazette of the said dale. Perusal of the said Gazette Notification reveals that the Corporation in pursuance of Section 68-C of the Motor Vehicles Act. 1939 (Central Act IV of 1939) (hereinafter referred to as "the Act of 1939") had published a Scheme in the Official Gazette dated 26-5-73 after inviting objections thereto and giving hearing to the concerned parties. In exercise of powers conferred on the Corporation by sub-sec. (3) of Section 68-D of the Act of 1939 and in pursuance of Rule 7 of the Rajasthan State Road Transport Services (Development) Rules, 1965 (hereinafter "referred to as "the Rules of 1965"). the State Government published the said Scheme duly modified, as follows :-

"1 The Passenger Road Transport Service (Stage Carriages and Contract Carriages) shall be provided by the State Transport Undertaking or (he following routes to the complete exclusion of other persons.

Sr. No.

Route

Length in Kilometers

1.

Shahpura-Khetri via Ajitgartv Lorwara, Kanwat, Chala, Sinohi, Neem-ka-thana, Maonda-Badai and portions thereof

105

2.

Shahpura-Kanwat via Ajitgarh, Thoi-Lorwara and portions thereof

41

3.

Neem-ka-thana-Khetri via Maonda-Badai and portions thereof

38

Para No. 4 of the aforesaid Scheme stipulates. as under:-

"No person other than the State Transport Undertaking (Rajasthan State Road Transport Corporation and other State Transport Undertak ings under any existing reciprocal agreements o: any such agreements to be entered in future will be permitted to provide passenger road transport service (Stage Carriages and Contract Carriages on the routes or portions thereof specified ir clause I above."

6. With regard to a portion of the route in question approximately 9 Kms. which is overlapping the nationalized route from Shahpura to Khetri via Neem-ka-thana and which is of 105 Kms. in stretch has been published as a notified Scheme. The objection was raised by the Corporation that since the route in question from Neem ka-thana to Khetri is 38 Kms. in stretch, therefore overlapping to the tune of 9 Kms, cannot be allowed. The contention of the petitioners on the contrary was that the route in question was a part of the scheme of 105 Kms. which overlaps the route in question to the tune of 9 Kms. as afore said, the overlapping facility as granted is permissible.

7. Aggrieved by the order of the Authority declining the relief to the petitioners for plying their vehicles on the aforesaid route, the petitioners had challenged the impugned orders of the Authority before the STAT vide Revision Petition Nos. STAT (125/93 and 151/93) on the grounds inter alia that the route in question which is overlapping the notified scheme confers also a monopoly on the Corporation for plying passengers vehicles on the aforesaid route in question and hence grossly arbitrary and deserves to be quashed and set aside. The route in question had been opened by the Authority keeping in view the requirements of the traveling public and in public interest at large and hence it is not desirable not to permit the petitioners to ply their vehicles on the said route. It was further contended that the Corporation does not enjoy an absolute monopoly since the notified scheme was modified by the State Government vide Gazette Notification dated 3-8-76 under which the overlapping facility can be granted subject to reasonable restrictions and the scheme in question permits overlapping to the tune of 10 Kms. while in the instant case it is 9 Kms. only. On merits, and on the questions which were being formulated for the consideration of the STAT, the STAT had recorded a finding that 9 Kms. overlapping cannot be allowed in view of the fact that overlapping scheme is only 38 Kms. in length. The new clause which was added to the scheme published by the State Government vide Gazette Notification dated 3-8-76, runs as under :-

"Notwithstanding anything contained in the scheme of Nationalization notified under subsection (3) of Section 68-D of the Motor Vehicles Act, 1939, the State Transport Authority or the Regional Transport Authority, as the case may be, may if it considers necessary in the public interest, allow to the permit holders other than the State Transport Undertaking, overlapping of the , notified area, route or portion thereof, which shall, in no case exceed 10 Kms. with the condition that such permit holders shall not pick-up or set-down passengers on such overlapped portions :

Provided that the total nationalized route shall not be less than five times the length of overlapped portion; and

Provided further that there is no other route available to the private operators except the overlapped route."

8. As regards the above provision inserted in the Gazette Notification dated

3-8-76, it was contended that all such schemes were exclusive and were modified by the aforesaid notification and hence the Authority was fully empowered grant overlapping facility on the notified route which shall in all cases was not to exceed 10 Kms subject to the condition that stage carriage permit holders shall not pick-up or set-down the passengers on such overlapped portions. It was further contended in this regard that the total nationalized route was not to exceed 5 times the length of overlapped portion and there was no route available to the private holders except the overlapped, route.

9. The STAT after dealing with the aforesaid contentions as advanced by the learned counsel for the petitioners, finally disposed of 5 revision petitions preferred before it in which the aforesaid questions of law were involved vide impugned order dated 14-7-93 and against which, the petitioners have come before this Court by way of the instant writ petitions.

10. I have heard learned counsel for the parties at length examined their rival claims and contentions and also perused the provisions of the Motor Vehicles Act, 1988 as amended and the legal position on the subject. Prima facie, I am of the considered opinion that the impugned order dated 14-7-93 of the learned STAT is not open to challenge before this Court in view of the fact that in view of reciprocal arrangement between two States i.e. the State of Rajasthan and State of Haryana was made in the year 1968 and the same has been held valid by this Court in the matter of Kana Ram and Vs. The Regional Transport Authority and Another, and the routes agreed upon between the parties by virtue of reciprocal arrangement have been specified and so also the number of permits and trips which can be made by the transporters on the specified routes. The validation of permits for use outside the region was earlier governed by Section 63 of the Act 1939 which is now has been replaced by Section 88 of the amended Act of 1988. The same interpretation as above has already been given by the learned single Bench of this Court in the matter of RSRTC. Jaipur v. RTA, Bikaner in S.B. Civil Writ Petition No. 1877/94, decided on 31-3-1995 wherein identical question of law had arisen for consideration of this Court regarding grant of inter-State carriage permit. It was alleged in the said matter that under the reciprocal transport agreement arrived at between the State of Rajasthan and State of Haryana the petitioner was providing transport services on the Ganganagar-Delhi via Hanumangarh, Sangaria, Dahwali, Hisar etc. The non-petitioners No. 2 and 3 had submitted an application before the non-petitioner No. 1 the Authority on 7-10-93 and 21-10-93, respectively for granting non-temporary stage carriage permit each by opening a new inter-State route i.e. Sangaria to Delhi via Dahwali and Hisar etc. without mentioning therein the necessary particulars. It was further alleged that a Circulation Note dated 21-10-93 was sent by the Secretary to RTA, Bikaner stating therein that the applicants had not disclosed the complete particulars of the said route on account of its overlapping by a notified route and the length of the said route have also not been shown; it was alleged that the Secretary to RTA, Bikaner had stated that all the three applicants had submitted amended applications on 27-10-93 for Sangaria-Delhi inter-State

route in length of 359 Kms. out of which only small portion of 3 Kms. lies in the State of Rajasthan while the remaining portion of 323 Kms. lies in the State of Haryana and the remaining portion of 33 Kms. lies in Delhi. On show cause notice being issued by this Court the RTA filed its reply contending therein that in view of Sahibram's case, permit can be granted by the RTA and no other operator can be said to be the aggrieved party. The petitioner also filed rejoinder to the said reply contending therein that since Rajasthan portion of the route was only 3 Kms. and the provisions of the Act do not envisage grant of permit on the said route in a length of 3 Kms. the RTA had no jurisdiction and had rather grossly misused its power in utter violation of the Act in opening the new route. The learned single Bench of this Court on careful analysis to the relevant provisions of the Act as aforesaid, finally came to the conclusion that though the RTA is empowered to grant permits on the inter-State route but it shall not be valid in any other State unless the permit has been countersigned by the State Transport Authority or Regional Transport Authority of that region. Placing reliance upon the decisions of this Court in the matter of Sahibram v. State of Rajasthan, D.B. Civil Writ Petition No. 1309/90 decided on 28-8-1992 and in the matter of S. K. Ajmera v. State Transport Authority Gwalior, (D.B. Civil Special Appeal No. 158/92) decided on 20-5-1993 it was held by this Court that keeping in view the legal provisions of the Act as referred to above, it is the prerogative of two or more concerned States only to open, establish and create an inter-State route lying in their respective jurisdiction by entering into a reciprocal transport agreement and to get it finalized by following the procedure prescribed under sub secs. (5) and (6) of Section 88 of the Act, 1988. In the matter of Ram Krishna Verma and Others Vs. State of U.P. and Others, a draft scheme dated 26-2-1959 published u/s 68-C of the Act of 1939 (old) was kept hanging for 25 35 years. After the Act came into force, the respondents applied for and were granted permits for Shahpura to Ghaziabad via Shahdara route etc. The appellants had earlier filed writ petitions in the Allahabad High Court, Lucknow Bench questioning the validity thereto which were dismissed by the judgment dated 23-7-90, before the Apex Court along with connected matters. Relying upon the judgment of the Apex Court in the matter of Mithilesh Garg, Vs. Union of India and others etc. etc., the Apex Court has held that liberal policy for grant of permit u/s 80 of the Act is directed to eliminate corruption and favouritism in the process of granting permits, eliminate monopoly of few persons and making operation at a particular route economically viable and encourage healthy competition to bring about the efficiency in it, but the free play is confined to grant of permits under Chapter V of the Act. By operation of Section 98 of the Act, 1988, Chapter VI overrides the provisions contained in Chapter V and other laws and shall have effect notwithstanding anything inconsistent therewith contained in Chapter V or any other law for the time being in force or any instrument having effect by virtue of such law with the result that even under the Act of 1988 existing scheme under the repealed Act or made under Chapter VI of the Act notwithstanding any right given to private operators and no corridor protection to private operators is permissible. It was accordingly held that

approved scheme of Saharanpur-Shahpura-Delhi route shall continue to be valid under the Act. In the matter of Adarsh Travels Bus Service and Another Vs. State of U.P. and Others, the scheme which was subject-matter of challenge before the Apex Court, the Apex Court totally prohibited the private operators from plying such carriages of route consequent upon which, private operators were totally prohibited to ply on the said route even with corridor restrictions. It was held by the Apex Court that where a route is nationalized under Chapter IV- A of the Act, a private operator with a permit to ply such carriage permit over another route hut which has any overlapping sector over the nationalized route cannot ply his vehicle over that part of the overlapping common sector, even if with corridor restrictions, i.e. he does not pick-up or drop the passengers on the overlapping part of the route. While confirming its earlier decision in the matter of Mysore State Road Transport Corporation Vs. Mysore State Transport Appellate Tribunal, it was held by the Apex Court, as under (at page 1944) :-

"It is, therefore, apparent that where a private transport owner makes an application to operate on a route, which overlaps even a portion of the notified route i.e. where the part of the highway to be used by the private transport owner traverses on a line on the same highway on the notified route, then that application has to be considered only in the light of the scheme as notified. If any conditions are placed then those conditions have to be fulfilled and if there is a total prohibition then the application must be rejected.

This Court has consistently taken the view that if there is prohibition to operate on a modified route or routes no licenses can be granted to any private operator whose route traversed or overlapped any part or whole of that notified route. The inter-section of the modified route may not, in our view, amount to traversing or overlapping the route because the prohibition imposed applied to a whole or part of the route on the highway on the same line of the route. An inter-section cannot be said to be traversing the same line, as it cuts across it."

11. Hence, it is clear from the above discussion that it is not open to the private operator to lake the plea to request for opening a new route touching the nationalized highway passing through the other Slate as a result of overlapping by taking the plea of inconvenience to the public and if indeed there is any need for protecting the travelling public from inconvenience caused to it, it is for the State Transport Undertaking and the State of Rajasthan concerned to make sufficient provisions in the scheme itself to avoid inconvenience being caused to the travelling public. I am of the considered view that as a necessary consequence which emerges with regard to the interpretation of the aforesaid provisions of the Act. 1988 is mat it is not open to any private operator to ply his vehicles on any part or portion of a notified area or notified route unless, he is so authorized or permitted to do so by terms of the scheme itself I am further of the view that it is not open to the private operator to operate on any part of the portion of the notified route or area on the mere ground that the permit as originally granted to him covered the notified route or area. With regard to the

provisions of the Act of 1939 (old Ss. 68-C, 68-D(3) and Section 68-FF in the light of the definition of expression route in Section 2(28 "), it was held that it is manifestly clear that once a scheme is published under S.68-D in relation to any area or route or portion thereof, whether to the exclusion (sic) confer or partial of other persons or otherwise, no person other than the Star Transport Undertaking may operate on the notified area or notified route except as provided in the scheme itself. In this regard, it has been provided as referred to in the relevant provisions of the Act. 1988. which is evident from Section 67 of the Act which stipulates that the State Government shall be fully authorized to control road transport facility having regard to the advantages offered to the public, trade and industries by developing of transport including the desirability of coordinating road and rail transport, the desirability of preventing the deterioration of the road I system and desirability of preventing ancon competition amongst holders of permits u/s 68 of the Act the State Government is fully "empowered by a notification in the Official Gazette to constitute the said Transport Authority. which shall exercise and discharge the powers and functions specified in sub-section (3) of Section 88 of the said Act and shall in like manner constitute Regional Transport Authority In exercise and discharge its powers and functions conferred by 01 under the Act on such authorities. Section 69 of the Act is a general provision applicable to the grant of permits by the RTA of the concerned region in which it is proposed to use the vehicle of vehicles and proviso to sub-section (I) of Section 69 which is relevant in this context stipulates that if it is proposed to use the vehicle or vehicles in two or more regions lying in different States, the application has to be made to the RTA of that region in which the applicant resides or has his principal place of business. The object on the State Legislature to incorporate the aforesaid provisions in the Act is with a view to provide overall powers to RTA which shall have complete jurisdiction to entertain applications or to issue permits on the basis thereof if the area or the specified routes in which the vehicles are proposed to be used in other regions are larger than the area or route for which the RTA has jurisdiction and where the vehicle is to be used in two or more regions, the application is to be made to the RTA of that region directly in which the vehicle is proposed to be plyed and unless and until the consent of the concerned State or States in which the vehicle is to ply has been obtained in advance, it shall not be open to the applicants/operators to ply their vehicles in those regions and the discretion of the said Authority shall be final and binding on the parties. Section 72 of the Act deals with the grant of stage carriage permits by the RTA which may on an application made to it in accordance- with Section 70, grant stage carriage permits in accordance with the application or on such modifications as it may deem fit or refuse to grant such permits with the rider that no such permit shall be granted in respect of any route or area not specified in the application. Under sub-sec. (2) of this Section, it is open to the RTA to grant permits subject to the condition specified therein.

12. During the course of hearing, learned counsel for the petitioners placed

reliance on Division Bench judgment of the principal seal at Jodhpur in the matter of New Vijay Laxmi Bhambhu Transport Company v. State Transport Commissioner, D.B. Civil Special Appeal No. 201/95 title Nirmal v. STC and other connected appeals which were decided by the learned Division Bench on 4-7-95. The question which had arisen for consideration before the learned Division Bench of this Court in the aforesaid special appeals which were directed against a common order dated 24-1-95 of the learned single Judge was in the context of inter-State agreement entered into between the State of Rajasthan and State of Haryana in joint meeting held during the above dates which was legally rescinded by an advance notice of 6 months which had expired on a specified date. The question raised was as to whether it was open to the petitioner-appellants to enforce counter-signatures of their permits as provided by the proviso to sub-section (4) of Section 88 of the Act, 1988? It was held that in view of the rapid economic development of the country and with a view to encourage the transport vehicles on the inter-State route between the State of Rajasthan and State of Haryana it has become necessary to enter into a reciprocal agreement between the two States and consequently, the said agreement was finalized and certain permits were directed to be sanctioned on reciprocal basis which was revisable from time to time. The learned Division Bench of this Court while finally deciding the appeals observed that on interpretation of the contractual operations of two States that even if the State of Haryana has power to rescind the contract (Annexure I) arrived at between it and the State of Rajasthan and if it intends to rescind "the same it has to give reasons for rescinding the agreements in question and the circumstance" which compelled them to arrive at the said decision. In my view, the ratio of the aforesaid decision is not attracted to the instant case for the reason that in the aforesaid writ petitions the petitioners have not challenged the vires of the agreement between the two States i.e. the State of Rajasthan and State of Haryana and the only question is whether it is open to the petitioners to ply their vehicles on the shorter route of Neem-ka-thana-Mavanda Khurd and 9 Kms. overlapping portion from Neem-ka-thana and the overlapping does not come more than 1/5th length of the scheme. In reply to show cause notice which was issued by this Court in the aforesaid writ petitions, the respondent-Corporation took the positive stand that the RTA, Jaipur had no jurisdiction to open an inter-State route of Neem-ka-thana to Bhiwari because this power does not vest with the Authority but it vests with respective State Governments. It has been further contended that STAT was fully justified in the order of RTA through which it had used the powers given to the State Government for opening inter-State routes. It was further contended that since the scheme of nationalized route as notified in the Gazette dated 13-1-75 clearly mentioned Neem-ka-thana to Kheiri as of distinct nationalized route, hence was not open to the petitioners to operate that; vehicles on the said route without obtaining the prior sanction of the States concerned.

13. In this regard, I deem it appropriate to refer to the provisions of sub-sections (1), (3), (4), (5 and (6) of Section 88 of the Act of 1988 which envisage

ages a scheme for validation of permits for use outside region in which it is granted, as under:-

"88. Validation of permits for use outside region in which granted.- (1) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned.

(3) A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit and may likewise vary any condition attached to the permit by the authority by which the permit was granted.

(4) The provisions of this Chapter relating to the grant, revocation and suspension of permits shall apply to the grant, revocation and suspension of countersignatures of permits.:

Provided that it shall not be necessary to follow the procedure laid down in Section 80 for the grant of countersignatures of permits, where the ? permits granted in any one State are required to be countersigned by the State Transport Authority of another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the States after complying with the requirements of sub-Section (5).

(5) Every proposal to enter into an agreement between the States to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in regional language circulating in the area or route proposed to be covered by the agreement together with a notice of the date before which representations in connection therewith may be submitted, and the date not being less than thirty days from the date of publication in the Official Gazette, on which, and the authority by which, and the time and place at which, the proposal and any representation received in connection therewith will be considered.

(6) Every agreement arrived at between the States shall, in so far as it relates to the grant of countersignature of permits, be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in the regional language circulating in the area or route covered by the agreement and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it."

14. From the perusal of the above provisions of Section 88 of the Act of 1988, it is apparent that unless and until a specific permission is granted by the Authority of any one region, the same shall not be valid in another region unless and until

the permit has been countersigned by the Authority of that particular region and a permit granted by any one State shall not be valid for plying vehicle in another State unless the same is countersigned by the Authority of that other State or by the Regional Transport Authority concerned. In my view the said provision is mandatory requirements of the statute and its wires are not open to question by an aggrieved party. It is, however, left to the discretion of the Authority concerned, which may at its discretion either grant or refuse (he permits in this regard.

15. Before parting with this order, I would like to observe that it is not open to the petitioners to claim the prerogative of plying their vehicles in the inter-State region in question and they should ply their vehicles only within the ambit of the route as prescribed in the permit itself. I am further of the view that it is not for the petitioner; to state that if they do not ply the vehicles on the said route it will result in public inconvenience since it is not the question with regard to convenience or inconvenience and should not be (the matter of concern for the petitioners but it should be concern of the States i.e. Rajasthan and Haryana and not for the petitioners to raise any voice in this regard and they have to strictly adhere to the route as so specified in the inter-State carriage permits which have already been issued to them. Any violation in this regard will obviously invite such legal action as may be warranted under the rules by the State Government including RTA for enforcing the Authority in this regard.

16. As a result of above discussion. I am consequently of the view that it is not open to the petitioners to seek direction from this Court regarding plying their vehicles on the nationalized inter-State route i.e. Neem-ka-thana to Bhiwari and the impugned order dated 14-7-93 passed In the STAT by which it had set aside the order of RTA, Jaipur dated 16-2-93 by which the RTA had granted non-temporary stage carriage permits in favour of the petitioners on the above route, is not open to challenge.

17. As a result of above discussion, I find no merit in these writ petitions and the same are dismissed. The parties are left to bear their own costs.