
(1967) 03 MAD CK 0065
In the Madras High Court

Chepparai Transports (Private) Ltd.

APPELLANT

Vs

Mubarak Transport Service and Others

RESPONDENT

Date of Decision : 10-03-1967

Acts Referred:

Motor Vehicles Act, 1988 — Section 48(3)(xxi), 57(3)

Citation : (1967) 2 MLJ 361

Hon'ble Judges : P.S. Kailasam, J

Bench : Single Bench

Judgement

P.S. Kailasam, J.—This petition is filed for the issue of a writ of certiorari calling for the records of the State Transport Appellate Tribunal, Madras, connected with the order made in Appeal No. 179 of 1966, dated 29th July, 1966, allowing the 1st respondent a shuttle trip one up and one down between Manimuthar and Tirunelveli Junction and quash the same.

2. M/s. Chapparai Transports Company, Ltd. was operating a bus from Nanguneri to Manimuthar (via) Chermadevi. On 8th October, 1964, it applied to the Regional Transport Authority to extend the route Nanguneri to Manimuthar so as to do independent shuttle trips between Chermadevi and Tirunelveli Junction (via) Kallur. The application was notified u/s 57(3) of the Motor Vehicles Act and petitioner submitted representations. The Regional Transport Authority considered the application and rejected it by its order, dated 30th December, 1965. On the date of the order of the Regional Transport Authority, the permit had been transferred in the name of the 1st respondent. The 1st respondent preferred an appeal to the State Transport Appellate Tribunal. The Appellate Tribunal allowed the appeal and set aside the order of the Regional Transport Authority by its order in Appeal No. 179 of 1966 dated 29th July, 1966.

3. The order is challenged on the ground that it is in violation of the provisions of Section 48(3)(xxi) of the Motor Vehicles Act as the distance covered by the extension exceeds 24 kilometres. It was also contended that the extension prayed for was for doing shuttle trips between Chermadevi and Tirunelveli

Junction and as extension can be granted only from one of the termini, the extension sought for from the middle of the route could not be granted. It was alleged that the grant of the extension has resulted in curtailment of the existing trips between Nanguneri and Manimuthar and as such should not have been granted.

4. The application was for extension of the route Nanguneri to Manimuthar (via) Chermadevi and Kallidakurichi so as to do independent shuttle service between Chermadevi and Tirunelveli junction. The Regional Transport Authority was of the view that the sectors of the route were adequately served by buses except for a small bit between Chermadevi and Cheranmachadevi Vilakku. It also accepted the contention that before variation there would be four direct single trips between Nanguneri and Manimuthar and after variation there would be only two direct single trips resulting in inconvenience to direct passengers from Nanguneri to Manimuthar and hence refused the application. The State Transport Appellate Tribunal found that the necessity to have direct buses from Manimuthar to Tirunelveli Junction cannot be belittled and that the granting of shuttle trip between Manimuthar and Tirunelveli Junction would be advantageous to the public. The merits of the case were not seriously disputed before me. It was sought to be contended that the existing trips have been curtailed. But in view of the finding of the State Transport Appellate Tribunal that the alteration is desirable in the interests of the public, the order cannot be interfered with on that ground.

5. The main contention urged by the learned Counsel for the petitioner was that u/s 48(3)(xxi), the distance covered by extension or variation should not exceed 24 kilometres and whether the grant is considered as an extension or as variation, it would offend the rule. The application was for extension of the route Nanguneri to Manimuthar (via) Chermadevi and Kallidakurichi so as to do independent shuttle trips between Chermadevi and Tirunelveli Junction (via), Kallur. The 1st respondent had a permit for Nanguneri to Manimuthar. If the alteration asked for is to be an extension it should be from one of the termini, that is, either from Nanguneri or from Manimuthar. The proposed alteration is a deviation from the middle of the route and therefore it can only be a variation. The varied route will be from Chermadevi to Tirunelveli Junction, a distance of 12 miles. The contention that in the case of variation the distance covered by the varied route to and from should be taken into account and not the distance covered by a single trip alone has been rejected by this Court in (*Meenambigai Motor Service v. Palaniappan Transports and Ors.* W.P. No. 2183 of 1966), where it is held that the distance to be taken into account for the purpose of determining the distance covered by the variation u/s 48(3)(xxi) is only the distance covered by a single trip. In this case the distance is only 12 miles which is well below the limit set by the aforesaid provision and therefore the order is valid.

6. It was urged by the learned Counsel that what was asked for was permission

to do separate shuttle trips and for an extension of the route and therefore it cannot be considered as a variation. Whatever name the petitioner would choose to give it would make no difference. The question that has to be considered is whether the alteration permitted would be an extension or variation and is within the limits prescribed under the Act. The requirements of the section are satisfied and the validity of the grant cannot be questioned.

7. The Writ Petition is dismissed. No order as to costs.