
(1990) 07 MAD CK 0013

In the Madras High Court

Case No : C.R.P. No's. 317 and 417 of 1984

D. Palani, Proprietor, Sri Palani Andavar Buv Service,
Kattumannargudi

APPELLANT

Vs

K. Balasubramanian, S. Mangaiyam

RESPONDENT

Date of Decision : 25-07-1990

Acts Referred:

Citation : (1990) 07 MAD CK 0013

Hon'ble Judges : Venkataswami, J

Bench : Single Bench

Advocate : V.A. Sadagopan, for the Appellant; M.N. Rangachari in C.R.P. No. 317 of 1984, for the Respondent

Final Decision : Allowed

Judgement

Venkataswami, J.—These two Civil Revision petitions are filed against a common order of the State Transport Appellate Tribunal, dated

26th October, 1983, in appeal Nos. 111 and 152 of 1983. The petitioner applied for and obtained curtailment of 2 singles between

Kattumannargudi and Orathur (via) Thirunaraiyur out of six singles operated by the petitioner, by order of the Regional Transport Authority, South

Arcot, along with extension, with which we are not concerned. Aggrieved by the curtailment, the respondents in these two civil revision petitions

preferred Appeal Nos-III and 152 of 1983. The tribunal partly allowed the appeals, confirming the extension and setting aside the curtailment as

mentioned above. Aggrieved by the order of the State Transport Appellate Tribunal, these two civil revision petitions are filed.

2. Pending disposal of these civil revision petitions, the petitioner got stay of operation of the order of the State Transport Appellate Tribunal in

C.M.P. No. 1534 of 1984. Consequently, the petitioner was running the bus as per the order of the Regional Transport Authority granting curtailment, which was challenged by the respondents in these civil revision petitions. It is now stated by the learned counsel for the petitioner, which is not disputed by the learned counsel for the respondent in C.R.P. No. 317 of 1984 that pending these two civil revision petitions, the petitioner applied for further curtailment of two more singles between Kattumannargudi and Orathur (via) Thirunaraiyur, and obtained the same as per the order of the Regional Transport Authority, dated 12-12-1984. Against that further curtailment, no appeal was preferred by the respondents or anybody, and as such, the petitioner is said to be running in the light of the further variation granted by the Regional Transport Authority. The matter did not stop there. The petitioner filed another application for variation involving the extension of the route from Sethiathope Cross Road to Neyveli and also for change of pattern of trips. It has also been granted by the Regional Transport Authority by order dated 31-10-1985. That this order has also become final, is not in dispute. Learned counsel for the petitioner submitted that the respondents in these two civil revision petitions are not operators on the curtailment portion, and as such, they are not persons aggrieved. In any event, according to the learned counsel, the curtailment initially ordered is no longer in force which has been modified and superseded by further two variations, one involving curtailment and another involving extension . Therefore, according to the learned counsel, the civil revision petitions have to be allowed in the light of the changed circumstances. I find force in the argument of the learned counsel for the petitioner, particularly in the light of the decision of the Supreme Court in M. Chinnaswamy Vs. Dhandayuthanpani Roadways (P) Ltd., . In that case, the supreme Court has held that if the public are accustomed to a particular pattern of service, that should be allowed to stand. As pointed out earlier, the variation under challenge has already been implemented, and the petitioner is running the vehicle on that basis. In the circumstances, the civil revision petitions are allowed. However, there will be no order as to costs.