
(1991) 02 RAJ CK 0040

In the Rajasthan High Court

Case No : Civil Writ Petns. No's. 459, 461 and 463 etc. etc. of 1989

Dhanraj Singh and Others etc.,

APPELLANT

Vs

State Transport Appellate Tribunal, Rajasthan, Jaipur and
Others

RESPONDENT

Date of Decision : 26-02-1991

Acts Referred:

Constitution of India, 1950 — Article 226
Motor Vehicles Act, 1939 — Section 48, 51, 56, 64

Citation : AIR 1992 Raj 31 : (1991) 1 RLW 493 : (1991) 1 WLC 642 : (1991) 2
WLN 227

Hon'ble Judges : Kanta Bhatnagar, J

Bench : Single Bench

Advocate : B.L. Maheshwari, for the Appellant; P.C. Sharma, Dy. Govt.
Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Kanta Bhatnagar, J.—The writ petitions in the Schedule Anx. 1, arise out of the order dated 6-1-89 passed by the State Transport Appellate Tribunal, Rajasthan, Jaipur, by which the petitions of the respondents were allowed and the permits in favour of the petitioners here, were cancelled and the matters were remanded to the R.T.A. for granting fresh permits, after hearing the concerned parties, according to law. As all the writ petitions arise out of the same order, I propose to dispose them of by one common order.

2. Though the order of the State Transport Appellate Tribunal has been assailed on a number of grounds, Mr. B.L. Maheshwari, learned counsel for the petitioners, confined his arguments to the point that the petitioners were not served upon in the appeals before the State Transport Appellate Tribunal, and, therefore, it is a case of passing an order without hearing the affected parties.

3. Mr. P.C. Sharma, learned Dy. Government Advocate, submitted that the respondents were represented by two counsel there and they have advanced

arguments on all the points in all the matters and as such, -even in a particular appeal notice could not be "served, that will not make the order invalid.

4. This is not in dispute that the order of the R. T. A. challenged in all the appeals before the State Transport Appellate Tribunal was one by which the appellant before the State Transport Appellate Tribunal were affected and felt aggrieved. The judgment shows that the respondents (petitioners here) were represented by two learned counsel, namely Shri Laxman Singh and Shri J.R. Verma. In the body of the judgment their arguments on various points have been discussed.

5. Mr. Maheshwari Submits that it was only in one appeal filed by the appellant Kansingh that the respondent-petitioners were served and as is evident from the various ordersheets filed in the present petitions, they were not served for each and every appeal. Learned counsel submitted that in each and every appeal, every person affected should be served upon. To substantiate his judgment, Mr. Maheshwari placed reliance on the principle of enunciated in the case of Narain Singh Kohli Vs. Transport Appellate Tribunal, Jaipur and Others, where in an appeal to Transport Appellate Tribunal from an order of Regional Transport Authority granting permits, notice to persons likely to be affected was held to be necessary. In that case, applications were invited for grant of 65 permits for Public Carriers Jaipur-Delhi route. 41 persons who had applied for grant of permits and were not granted permits, preferred the appeals against the decision of the R. T. A to the Transport Appellate Authority. Certain respondents, in those appeals could not be served. One of them, Narain Singh Kohli, filed petition under Article 226 of the Constitution of India. The learned Judge, deciding the petition observed that at the hearing before the Transport Appellate Tribunal the petitioner was admittedly not present. The permit granted to him was cancelled along with some other permits and eight permits were issued by the Transport Appellate Tribunal to respondents Nos. 3 to 10 .The date of hearing of the appeal was notified in the gazette. The names of the parties were also notified in the gazette but that was not considered to the sufficient notice to the respondents.

6. The case on hand stands on an altogether different footing. Here the respondent-petitioners were served upon, might it not be in all the appeals arising out of the same order and all the appeals were heard and disposed of by one order by the S.T.A.T.

7. The learned counsel appearing on behalf of the respondent-petitioners argued in all the appeals and it cannot be said to be as case going unrepresented. The learned counsel appearing for the respondents did not raise any objection about the respondents not being separately served in different appeals. They have rather argued all the appeals. In such circumstances, it cannot be said to be a matter in which the S. T. A. T. might have passed any order without affording opportunity to the respondents.

8. In view of these findings, on the question of notice, no infirmity is noted. The writ petitions have no substance and are dismissed.