

(1998) 10 AP CK 0055

In the Andhra Pradesh High Court

Case No : Writ Petition No. 3313 of 1996 and Batch

K. Satyanarayana Murthy

APPELLANT

Vs

Secretary Regional Transport Authority, East Godavari Dist.

RESPONDENT

Date of Decision : 29-10-1998

Acts Referred:

Andhra Pradesh Motor Vehicles Rules, 1964 — Rule 258(2)
Andhra Pradesh Motor Vehicles Rules, 1989 — Rule 132, 143, 159, 163, 169
Constitution of India, 1950 — Article 226
Motor Vehicles Act, 1939 — Section 40, 47, 57, 62, 64
Motor Vehicles Act, 1988 — Section 100, 104, 68(3), 72, 80
Penal Code, 1860 (IPC) — Section 193, 195, 196, 200

Citation : (1999) 1 ALD 354 : (1998) 6 ALT 643

Hon'ble Judges : B.S.A. Swamy, J

Bench : Single Bench

Advocate : Mr. K.N. Jwala, for the Appellant; Government Pleader for Transport, for the Respondent

Judgement

1. In this batch of cases, a large scale scam resulting in the loss of public monies, both by way of loss of revenues to the Government and income to the Andhra Pradesh State Road Transport Corporation has come to light.

2. One Ch. Venkataratnam is the kingpin in the scam. He could run a fleet of stage carriage buses on the alleged town service routes throughout the length and breadth of East Godavari district for over four years on temporary permits under the orders of this Court by suppressing the real facts and threatening the departmental officials with contempt proceedings and also taking advantage of the liberalisation policy in issuance of permits for use of transport vehicles and actions or inactions of the agencies involved in implementation of the provisions of the Act.

3. Before adverting to the factual background of this case, it will be useful to refer to certain provisions of old and new Motor Vehicles Act with regard to grant of permits for better appreciation of the mischief played by Ch. Venkataratnam.

4. Section 47 of the Motor Vehicles Act, 1939 (herein after referred to as "old Act") deals with the procedure to be followed while considering an application for grant of stage carriage permit. Section 47(1) of the Old Act deals with matters to be kept in mind for considering the application for grant of stage carriage permit. u/s 47(3) of the Old Act, the Regional Transport Authority is empowered to limit the number of stage carriages generally or of any specified type for which the stage carriage permits may be granted in the region or in any specified area or on any specified route. That is to say, the Regional Transport Authority is empowered to limit the number of stage carriages to be plied on a specified route. Section 57 deals with the procedure in applying for the permits and their grant. u/s 57(2), an application for stage carriage permit has to be made not less than six weeks before the date on which it is desired that the permit shall take effect or if the RTA appoints a date for receipt of such applications on such date. u/s 57(3), as and when an application for stage carriage permit is received, the RTA, shall make the application available for inspection at its office and shall publish the application or substance thereof in the prescribed manner together with a notice inviting representations within thirty days duly notifying the time and place at which the applications will be received and considered. From these provisions, it is evident that the route on which the Stage Carriage permits will be issued has to be identified by the RTA and then only the applications for grant of permits will be entertained. An option is given either to the applicant to make an application on his own six weeks before the date on which the permit is likely to come into effect or within the time limit fixed by RTA.

5. u/s 57(4) of the Old Act, any representation should be made in writing and within the time limit prescribed. Non-compliance of these two conditions results in rejecting the representation. Under subsection (5), the RTA, is expected to dispose of the application at a public hearing on which both the applicants and the persons making the representation are given an opportunity of being heard either in person or by a duly authorised representative. Under sub-section (7) if the RTA refuses any application for grant of a permit, the reasons for refusal have to be communicated to the applicant. These provisions were deleted from the new Act and in their place Section 80 came into existence. Under Motor Vehicles Act, 1988 (hereinafter referred to as "new Act"), initially the applicant was given the option to select the route on which he intends to obtain the permit, to apply for the Stage Carriage and is given the liberty to submit the application for issuance of a permit at any time u/s 80(1) of the new Act. Under sub-section (2), the RTA shall not ordinarily refuse to grant an application for permit made in time under the new Act. Under second proviso to sub-section (2) of Section 80, the RTA is expected to give an opportunity of being heard in the matter if it decides to refuse the application and then only it shall give reasons in writing for refusal of the application to the applicant. In other words, under the provisions of the new Act, an option is given to the Transport Operator to carve out a route on his own and make an application for grant of permit and a duty is cast on the RTA to consider the application and it is expected not to reject the

application, normally, under second proviso to subsection (2), if the RTA decides to reject the application for grant of permit, a mandatory duty is cast on it to give personal hearing to the applicant and then only it can reject the application by giving reasons in writing.

6. Section 40 of the old Act, which stands transposed in the new Act as Section 72, deals with grant of Stage Carriage permits and the conditions to be attached while issuing permits, and we are not concerned with it in the present case. The conditions under which the temporary permits can be granted are dealt with in the old Act (Section 62) and they remained the same in the new Act (Section 87). The conditions are : (a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings or (b) for the purposes of a seasonal business, or (c) to meet a particular temporary need, or (d) pending decision on an application for renewal of a permit and may attach to any such permit such condition it thinks fit. An important change was brought in the new Act i.e., under first proviso to Section 62(1) of the old Act, the RTA has been enjoined in granting temporary permit in respect of any route or area if an application for grant of pucca Stage Carriage permit is pending consideration of RTA. Both under the old Act and the new Act, the duration of temporary permit shall not exceed four months. There is no provision as such for renewal of temporary permit and any application filed by the Transport Operator on the expiry of the period of permit has to be dealt with as a fresh application for grant of temporary Stage Carriage permit. A person aggrieved by the order refusing to grant Stage Carriage permit is entitled to file an appeal before the State Transport Appellate Tribunal within the prescribed time and in the prescribed manner. Section 64 of the Old Act is incorporated as Section 89 of the new Act without any changes.

7, Chapter IV-A in the Old Act deals with the special provisions relating to the State Transport undertakings and Chapter VI in the New Act deals with the subject. For deciding the controversy in these writ petitions, I need not go into the details of the scheme except stating that the State Government is empowered to formulate the scheme in relation to any area or route or portion thereof enabling the State Transport undertakings to ply its vehicles to the exclusion, complete or partial, of other operators. Once a scheme has been published after following the procedure prescribed under the Act in respect of any notified area or notified route, the STA or RTA as the case may be, shall not grant any permit except in accordance with the provisions of the Scheme. In other words, where the vehicles of the State undertaking are plying under the approved scheme in any notified area or approved routes, the authorities concerned are bound to keep in mind the provisions of the Scheme while granting new permits and the permit granted shall not be in contravention of any provisions of the Scheme.

8. The A.P. Motor Vehicles Rules, 1964 framed by the Government of Andhra Pradesh under the Old Act were adopted under the New Act also without much

changes except re-setting the Rules, with the result, the numbers of the Rules were changed. The power to grant or refuse temporary permits u/s 62 of the Old Act was delegated to its Secretary for convenient despatch of its business in Rule 169(xii) under the Old Act now stands as Rule 143(xii) under, the new Act. The Regional Transport Authority is expected to meet not less than once in two months on such date and at such time and place as may be determined by the Chairman or on such other occasion as may be necessary for prompt despatch of business, under Rule 159 of the Old Act, now stands as Rule 132 under the new Act. Any aggrieved person by the order of RTA either granting or refusing a permit for Stage Carriage, is entitled to file an appeal before the State Transport Appellate Tribunal within thirty days from the date of receipt of the order to be appealed against under Rule 163. Under Rule 9 of the A.P. State Transport Appellate Tribunal Rules also, the period of limitation for filing an appeal is prescribed as 30 days from the date of receipt of the order. While the Act does not specify or classify the routes, in the Rules it is found that routes are classified as mofussil routes and town service routes.

9. For town service routes, at least one terminus of every town service shall be within the limits of a Municipality or built up place notified as town in the A.P. Gazette for this purpose and no town service route shall extend more than 8 kms beyond the limits b''f the Municipality or town from which it starts and when the route extends beyond 8 kms from the limits of the Municipality or town, specific permission of the Transport Commissioner has to be obtained. Further, no service shall be determined both as town and mofussil service routes. Rule 282(2) under the old Act is Rule 258(2) under the new Act.

10. From the provisions of the old and new Acts extracted above, it is seen that RTA, has to identify the route on which stage carriage permit has to be issued and issue permits after considering the application received, either in pursuance of the notification issued by RTA or filed by the Transport operator himself on his own. When the Transport operator files an application without notification, he should file the application at least six weeks before the consideration of the grant of permit by the RTA and the procedure for consideration of the application was indicated in subsections (3), (4) and (5) of Section 57. Any order passed by the RTA refusing the application for grant of permit should be in writing containing the reasons and the same shall be served on the applicant himself. That policy was liberalised under the new Act and now the route can be identified by the transport operator himself and thereafter he has to make an application on his own without intervention of the RTA and normally the RTA is expected to grant permit and if the RTA takes a decision to refuse the application, it shall give an opportunity of being heard to the applicant and then only, pass orders in writing indicating reasons for refusal of the application, tn other words, the procedure envisaged under Sections 47 and 57 of the old Act has been done away with by the new Act and the procedure for grant of permits under the new Act has been liberalised to such an extent that an intending operator can get a permit for asking irrespective of the number of operators already in the field. But, u/s 104

of the new Act, an obligation is cast on the RTA to see that the grant of permit on any new route shall not contravene the scheme published after process is over in respect of any notified area or notified route by the Government. In view of this provision, the authority concerned is bound to give a notice to the State Transport undertaking while considering the application of any Transport operator for grant of new Stage Carriage permit and to see that the grant of new permit does not contravene the Scheme.

11. Another important change made was that while RTA was enjoined from granting temporary permit in respect of any route specified in an application for grant of new permit, such embargo was lifted in the new Act. Taking advantage of the liberalised policy* not only in grant of pucca stage carriage permit but also temporary permits, the transport operators in the State started filing applications for grant of stage carriage permits on the routes carted out by them by keeping one terminus of the route within the limits of Municipality and at times, the length of the route extended beyond 8 kms from the limits of Municipality or the town by terming the route as town service. Along with these applications, they seemed to be filing applications for grant of temporary stage carriage permits also.

12. As stated supra, the Regional Transport Authority has to meet at least once in two months to transact the pending business on its file including consideration of these applications. Unfortunately, the authority concerned observed this Rule more in its breach though it is a mandatory provision. Though by order dated 20-8-1998 I directed the Transport Commissioner to get information District-wise with regard to pendency of the applications for grant of pucca stage carriage permits and temporary permits, he did not furnish the required information. As far as East Godavari District is concerned as many as 455 applications for grant of pucca permits and 299 applications for grant of temporary permits, starting from 1994 till this date are pending. It is also the case of the respondents that the RTA is disposing only the applications of the persons, who obtained orders from this Court. The inaction of the part of official respondents in not disposing of the applications of the persons who could not obtain orders of the High Court from 1994 onwards is highly illegal and is liable to be deprecated. In fact on an earlier occasion this Court pointed out the evil effects that flow from the inaction on the part of officials and suggested to the Government to take remedial action. But the respondents failed to respond even to the same advice given by the Court keeping the interests of the travelling public as well as the loss of revenues to the State exchequer.

13. The power of RTA with regard to grant of temporary stage carriage permit is delegated to the Secretary, RTO or the Deputy Transport Commissioner as the case may be and as per the Rules on office procedures, any application has to be disposed of within seven days. But, the Secretary, RTA has never bothered to dispose of the applications for grant of temporary permits. With the result, transport operators started filing writ petitions questioning the inaction on the

part of concerned RTA and this Court started giving directions to the RTA to consider applications filed by the operators for grant of temporary permits pending consideration of their applications for grant of pucca stage carriage permits. On the basis of the orders passed by this Court, the concerned RTA started granting temporary pennits. From the facts that came to light in this batch of cases, the transport operators are running the buses under temporary permits for years together and in some cases beyond 4 to 5 years by paying taxes applicable to the town services. At times without obtaining fresh permits after expiry of the temporary pennits issued, they are plying the buses; thus causing loss to APSRTC even after disposal of their applications for grant of pucca stage carriage permits.

14. Keeping in view of the above legal principles and facts that came to light during the course of hearing, now I would like to proceed how the fraud has been perpetuated by Ch. Venkataratnam, by bringing on record events that have taken place with regard to each route on which temporary permit has been obtained. It has also now become crystal clear that while most of the temporary stage carriage permits were obtained in his name and in the names of his family members, only on a few routes the temporary permits were issued in the names of others. While Ch. Venkataratnam gave affidavits in some of the writ petitions filed on his behalf, his family members and others, some of the writ petitions were filed by the petitioners themselves.

15. Pursuant to the notice given by this Court all of them appeared in the Court and admitted that Ch. Venkataratnam is looking after their interests in plying the vehicles and they expressed ignorance of the events that have taken place in obtaining temporary permits in their cases. But, the Government Pleader and Standing Counsel for APSRTC strenuously contended that all these permit holders are benamidars of Ch. Venkataratnam. I need not go into that aspect as the individual transport operators including his wife, children and others have categorically stated before the Court that they did not know the details of the events that have taken place in their cases. Though according to them Ch. Venkataratnam is looking after the affairs, some of them have sworn to the affidavits filed in support of the writ petitions. As such they cannot escape the penal consequence that will follow for misleading the Court. Hence, Ch. Venkataratnam held to be the King-pin and they have to be found fault with if the facts stated by them in the Court and before the authorities concerned are found to be false.

16. Initially, WP No.21803 of 1997 filed by Smt. Nagamarii, W/o Venkataratnam wherein she sought for a direction to the respondents not to interfere with the plying of her bus on the town service routes (1) New Godavari Railway Station to Sithanagaptn (Two permits - two buses) and (2) Ladies Hospital to Konikonda (one permit - one bus) was posted before me on 18-3-1998. On that day, the petitioner's Counsel brought to my notice that WP No.18517 of 1994 filed by the same petitioner is pending adjudication and both the writ petitions may be taken

up together for hearing. Accepting this request, I directed the Office to post both the writ petitions after two weeks while directing the Government Pleader to file counter. Thereafter, the writ petition has undergone several adjournments on one ground or the other. In the meantime, one M. V. Dhatiamjaya Rao filed WP No.21163 of 1998 questioning the action of the respondents in not considering the application for grant of temporary permit on the expiry of the permit held by him with effect from 29-7-1998 on the route of New Godavari Railway Station to Sithanagaram bus-stand and also sought for an interim direction to permit him to ply his bus. The main grievance of the petitioner in this writ petition seems to be that while the first respondent issued temporary permit to Smt. Nagamani to ply her buses on this route, his application is not being considered. My learned Brother C. V.N. Sastri, J., having come to know that another writ petition with regard to some route is pending before me, while admitting the writ petition by order dated 6-8-1998 directed the office to post the writ petition along with WP No.21803 and WP No.18517 of 1994 as the route in question is one and the same in all these writ petitions.

17. On 7-8-1998, WP Nos.21803 and 21163 of 1998 were posted before me and WP No. 18517 of 1994 was not posted as the bundle could not be traced in the pending files. By that time, Ch. Venkatarainam filed WP MP No.26091 of 1998 to get himself impleaded in this case by contending that he is an existing operator holding pucca stage carriage permit on the town service route Rajahmundry TSR No.1 route Dowateswaram to Vruthupadu opposing the request of the petitioner. APSRTC also filed similar application to get themselves impleaded to oppose the request of the petitioner \\WP MP No.27657 of 1998 is ordered today.

18. During the course of hearing in the above two writ petitions, the modus operandi in getting the temporary permits and plying the vehicles and also causing loss to the State exchequer as well as revenues to the APSRTC came to light.

19. Initially, Smt. Nagamani filed WP No.18517 of 1994 questioning the inaction on the part of the respondents in not disposing of her application for grant of pucca stage carriage permits on the town service routes-Ladies Hospital, Rajahmundry to Korukonda and New Godavari Railway Station, Rajahmundry to Sithanagaram bus-stand. She also filed WP MP No.22722 of 1994 seeking direction to the respondent to grant temporary permits on the above town service routes, pending disposal of the writ petition.

20. Ch. Nagamani's brother-in-law's son i.e., Ch. Venkaiaratnam's brother's son by name Ch. Rambabu filed WP No. 18595 of 1994 questioning the inaction on the part of respondents in not disposing of his applications dated 16-5-1994 and 30-5-1994 for grant of pucca stage carriage permit on the town service routes (1) Rajaratna Theatre, Mandapeta to Gangavaram. He also filed WP MP No.22806 of 1994 seeking direction to the respondents to grant temporary permits on the above routes pending disposal of writ petition.

21. Ch. N.P.R. Kumar, son of Ch. Venkataratnam filed another WP No.18597 of 1994 questioning the inaction on the part of the respondents in not granting stage carriage permits on the town service route Mandapeta bridge to Anaparthi. He also filed WP MP No.22808 of 1994 seeking direction to the respondents to grant temporary permits on the route pending disposal of the WP.

22. All the above three writ petitions were disposed of by a common order by Justice P. Ramakrishna Raju on 11-10-1994 by giving a direction to the respondents to consider the applications of the petitioners within one month from the date of receipt of that order and if the applications are not disposed of, it is open to the petitioners to approach this Court for grant of temporary permits by way of a letter "for being mentioned". As the direction of this Court was not complied with, the petitioner's Counsel seemed to have filed letter on 29-11-1994 to post WPMPs "for being mentioned" though the writ petitions were disposed of. On 30-11-1994, Justice P. Ramakrishna Raju passed the following order:

"There shall be a direction to the respondents to consider the claims of the petitioners for temporary permits - 10 applications altogether within a period of seven days from the date of receipt of a copy of this order. If for any reason, the applications mentioned above are not disposed of within the said period, petitioners are entitled to ply their vehicles pending consideration of their applications for pucca permits."

23. From the averments made in the affidavit filed in support of three writ petitions, it is seen that Ch. Nagamani claimed two permits on the route New Godavari Railway Station to Sithanagaram and one permit on the route Ladies Hospital to Korukonda; Ch. Rambabu applied for one permit each on the two service routes -Rajaratna Theatre to Kapileswarapuram and Rajaratna Theatre to Gangavaram. Likewise, Mr. Ch. N.P.R. Kumar sought for a permit on the town service route Mandapeta Bridge to Anaparthi. In all, there should be 6 applications. But the order of the learned Judge dated 30-11-1994 speaks about ten routes. Again WPMPs seemed to have been listed before the learned Judge "for being mentioned" on 19-12-1994 on the plea that the respondents failed to consider the applications and pass appropriate orders and the learned Judge directed the respondents to grant temporary permits, pending consideration of their applications for pucca permits. Once again these WPMPs were posted "for being mentioned" on 20-1-1995 and on that day, the learned Judge gave positive direction by passing the following order:

"Having regard to the facts and circumstances, I direct the 2nd respondent to grant temporary permits and issue them until further orders."

This paragraph was introduced in the order dated 19-12-1994 which was despatched on 20-12-1994 and amended copy was issued by the Court. From the events that have taken place in these three writ petitions till now the facts that came to light are that the writ petitions themselves were disposed of on

11-10-1994 by giving a direction to the RTA to consider and dispose of the applications filed by the petitioners for grant of pucca stage carriage permits on the routes mentioned in the writ petition. Thereafter, orders dated 30-11-1994, 19-12-1994 and 20-1-1995 were obtained by filing one letter dated 29-11-1994 for posting the WPMPs "for being mentioned" on the basis of observations made by the learned Judge in the order dated 11-10-1994.

24. Be that as it may, after these orders were despatched by the High Court one O. Salyanarayana and O. Venkateswarlit, existing operators on the route Mandapeta to Zehi filed WP MP No.4472 of 1995 for impleading themselves as respondents 3 and 4 in WP No.18595 of 1994 as well as in WP MP No.22806 of 1994 and filed WV MP No.3336 of 1995 for vacation of the orders of this Court dated 20-1-1995 duly bringing to the notice of the Court that the RTA disposed of the applications filed by them way back on 28-12-1994. Ultimately, Justice P. Ramakrishna Raju passed an order hereunder on 17-2-1995:

"In view of this order, the earlier directions to grant temporary permits in favour of the petitioner i.e., Ch. Rambabu on 11-10-1994, 30-11-1994, 19-12-1994 and 20-1-1995 in WP No.18595 of 1995 stands annulled."

25. Likewise, in WP No.18597 of 1994 filed by Ch. N.P.R. Kvmar, one G. Krishna Murthy, an existing operator filed WP MP No.5407 of 1995 for impleading himself as respondent No.3 in WP and WP MP and he also filed WV MP No.411 of 1995 for vacating the orders dated 20-1-1995 and on 7-3-1995 the learned Judge passed similar order and annulled the order dated 20-1-1995. But the orders passed by this Court in favour of Ch. Nagamani remained intact. Though a positive direction was given on 20-1-1995, for the first time, she obtained temporary permit only on 2-6-1995 valid upto 1-10-1995. By that time the orders passed by the RTA were communicated to the petitioner by registered post on 11-1-1995, but the RTA saved one rupee by not sending the letter under acknowledgment. With the result, no information is available, when the petitioner received the order. But, the petitioner filed Appeal No.130 of 1995 on the file of A.P. State Transport Appellate Tribunal on 16-5-1995 contending that she received a copy of it only on 13-5-1995. Be that as it may, by the time the petitioner applied for temporary permit, she is fully aware of the orders passed by the Regional Transport Authority rejecting her application for grant of pucca stage carriage permit. After the expiry of the first temporary permit obtained by her, when she was insisting for grant of a fresh temporary permit, the Government Pleader in the High Court filed a letter before the Registrar (Judl.) on 18-10-1995 stating that the petitioner obtained orders on 20-1-1995 suppressing the fact that her application was disposed of by RTA on 28-12-1994 and also brought to the notice of the Court that the direction obtained by the other two individuals on the even date were vacated by the Court and requested the Court to post this letter for clarification before the learned Judge on 19-10-1995. Thereafter, no evidence is forthcoming about the steps taken by the Government Pleader's Office in getting the case posted either under the caption "for being

mentioned" or atleast by filing an application for vacation of orders in a manner known to law.

26. Though no temporary permit can be granted for a period exceeding four months at a time and as there is no provision for renewal of the permit every application for grant of temporary permit has to be treated as fresh application. The respondents not only failed to bring the facts to the notice of the Court, but meekly surrendered to the plea of Ch. Venkataratnam that this Court by order dated 20-1-1995 in WPMPs 22722 of 1994 in WP No.18517 of 1994 granted interim direction until further orders and as the orders are in force the authorities are bound to grant temporary permits and went on granting temporary permits. What happened in the third quarter of 1997 is not known. But, Nagamani filed fresh WP No.21803 of 1997 seeking a direction to the respondents not to interfere with the operation of her bus on the routes till further orders of the High Court in WP MP No.22722 of 1994 in WP No. 18517 of 1994 are vacated. She also sought for an interim direction in WP MP No.26544 of 1997. Justice G. Bikshapathy while admitting the writ petition, granted interim direction on 11-9-1997 and directed the office to post WPMP in motion list on 30-9-1997. But this WPMP could see the light only on 18-3-1998. On that day also, the petitioner knowing full well that not only WP No.18517 of 1994 was disposed of way back on 11-10-1994 but also the RTA rejected his application on 28-12-1994, submitted that the writ petition is pending and requested the Court to hear both the writ petitions together. Unfortunately, even the Government Pleader does not know the happenings in this case and the WP was undergoing adjournments for one reason or the other till 7-8-1998 on which day, Counsel for the petitioner in WP No.21163 of 1998 which was posted before me as per the orders of CVN Sastry, J., brought to the notice of this Court that RTA was granting temporary permits to Ch. Nagamani even after dismissal of her application for grant of pucca stage carriage permits, and that the respondents are not extending the same benefit to him.

27. At this stage, it is also brought to the notice of this Court that Ch. Venkataratnam obtained about forty temporary permits either in his name or in the names of his family members or in the names of benamidars and is plying vehicles by resorting to dubious methods. In those circumstances, I directed Smt. Nagamani and Ch. Venkataratnam to appear in the Court with all the temporary permits held by them with the connected record granting temporary permits in their favour on 20-8-1998. Similar direction was given to the Secretary, RTA, to justify his action in granting permits and also to the Counsel who appeared for Nagamani in the past.

28. On 20-8-1998 Venkataratnam and his wife appeared in the Court along with Mr. C. Ramachandra Raju, Advocate, who offered Vakalath for Venkataratnam. As the notice dated 7-8-1998 was not served on all the transport operators, in whose names the temporary permits in East Godavari District stand, I adjourned the matter to 20-8-1998 duly directing the Secretary, Regional Transport

Authority to produce files relating to the applications received for grant of pucca permits as well as temporary permits and granted since 1994 till that date in East Godavari District apart from the temporary permits held by Mr. Venkataratnam and his family members. The Transport Commissioner was also directed to get the information District-wise as to how many applications for grant of pucca stage carriage permits and temporary permits are pending consideration as on that day in the State. On 21-9-1998 after recording the sworn statement of Smt. Nagamani I adjourned the matters awaiting orders of the Honourable the Chief Justice, regarding posting of the remaining cases. On the next day, entire batch of writ petitions were posted before me including the disposed writ petitions. The events that have taken place in the Court and the way Mr. Venkataratnam and his Counsel Mr. Raju behaved are reflected in the docket orders dated 22-9-1998, 13-10-1998 and 15-10-1998.

29. On 14-10-1998 Mr. Raju started arguing the \\VP No.21803 of 1997 having realised the difficulty in proving the innocence of Venkatarahiam both Mr. Jwala and Mr. Raju requested me to adjourn the case to the next day to enable their client to tender unconditional apology and seek pardon of the Court for this misdeeds and I accepted their request. On 15-10-1998 having rejected the half-hearted apology tendered by Mr. Venkataratnam with a view to pronounce the orders after noting the relevant Sections and Rules I was again forced to adjourn the matter to 20-10-1998, having noticed a new provision, Section 68(3Xc)(a) to the effect "Government to formulate routes for plying stage carriages" introduced by Amendment Act No.54 of 1994 to enable all the Advocates to make their submissions and I was rising for my lunch at 1-45 p.m.. Suddenly, Mr. Raju raised and started contending that "I have not completed by arguments yesterday and my client has not committed any mistake but this Court is threatening him that it will be sending him to jail." In fact, he started accusing me in so many words. Even then, to prove the fairness of this Court in adjudicating the dispute, I have given him an opportunity to file written arguments, if he so chooses by 10-30 a.m., on 16-10-1998. But, he did not choose to file any written arguments in the Court either on 16-10-1998 or on 20-10-1998, when further hearing in the matter was continued. Thereafter Mr. Raju was not seen in the Court.

30. Now, I would like to trace out the events that have come to the notice of the Court by taking each of the routes.

31. Firstly, though all these routes are claimed as town service routes, the distance of these routes extends beyond 8 kms. from the Municipal or the town limits and as per Rule 258(2) for town service routes, permits have to be issued if they are not contravening the approved schemes u/s 104 of the Act after obtaining specific permission from the Transport Commissioner. But in this batch of cases buses are being plied by obtaining temporary permits under the orders of this Court and without specific permission of the Transport Commissioner.

Route No.1.:

New Godavari Railway Station, Rajahmundry to Sithanagaram Bus-Stand.

(Pucca Stage Carriage Permit)

32. The length of this route is about 22.9 kms., out of which 19.9 kms are beyond municipal limits. Smt. Nagamani, wife of Mr. Venkutaratnam initially filed an application for grant of pucca stage carriage permit on 3-4-1993 and the same was rejected by RTA in its meeting held on 28-12-1994 under Item No.13. Aggrieved by the said order, she filed an appeal in APNo.129 of 1995 on 18-5-1995 and by order dated 21-4-1998 the STAT granted permit subject to the permission of the Transport Commissioner. Aggrieved by that order, the APSRTC filed WP No. 18341 of 1998 nearly after 3 years and sought for suspension of the said orders. This Court by order dated 3-7-1998 ordered status quo to be maintained. By that time, the petitioner was plying the buses by obtaining temporary permits.

Temporary Permit:

Smt. Nagamani filed an application on 10-10-1994 seeking grant of temporary permit on the above route and on the same day she filed a writ petition No. 18517 of 1994 on the file of this Court questioning the inaction on the part of the respondents in not disposing of her applications filed for grant of permits on this route and another route i.e., Ladies Hospital to Korukonda and that writ petition was disposed of by this Court on 11-10-1994 along with two other writ petitions. The orders passed by this Court and subsequent events that have taken place and how the scam could come to light were discussed supra and to avoid repetition they are not being referred again here.

33. From the record it is seen that the application filed by the petitioner for grant of temporary permit was rejected on 13-12-1994 before this Court passed orders on 19-12-1994 and thereafter the application for grant of pucca stage carriage permit it was rejected on 28-12-1994. The subsequent events that have taken place were dealt with supra. From the conduct of the petitioner in filing WP No.21803 of 1997 it is presumed that she filed the writ petition only with an intention to ply the bus, in the event of vacation of the order dated 20-1-1995 by any chance taking protection under the 2nd order. This Court by order dated 11-9-1997 directed the respondent to grant temporary permits and posted the WPMP in Motion List on 30-9-1997. Thereafter, for the first time the WPMP was posted before me on 18-3-1998. While that writ petition is pending adjudication before me, one Mr. Dhairanjaya Rao filed WP No.21163 of 1998 questioning the action of the Respondent No.2 in not granting temporary permit to him on par with Smt. Nagamani and got the case posted before me as per the orders of my learned Brother C.V.N.Sasiri, J.

34. From this it is seen that though her application for grant of temporary permits was rejected way back on 13-12-1994, the petitioner was able to ply her vehicles on the route under the guise of the orders passed by this Court on 20-1-1995 followed by another order dated 11-9-1997 in WP MP No.26544 of

1997 in WP No.21803 of 1997. She has neither filed any appeal against the orders of the rejection of the temporary permit nor mentioned this fact in the letters filed before this Court in WP No. 18517 of 1994 and in WP No.21803 of 1997. Though, the RTO is empowered to dispose of the application by virtue of the delegation of powers to him under Rule 143(XI), it is expected that he will be given reasonable time before questioning his inaction. But the facts of the case reveal that on 10-10-1994, the petitioner while filing the application seeking temporary " permit, filed the writ petition on the file of this Court on the same day without stating on what day she filed the application and without even filing a copy of the application along with this writ petition and obtained orders to consider the application within one month. The action of the petitioner is nothing but suppression of the real facts and misleading the Court.

Route No.2: Ladies Hospital Rajahmundry to Komkonda:

The length of the route is about 25 kms., out of which 15.6 kms. are beyond municipal limits. Again, Smt. Nagamani is the applicant in this case. She never filed any application for grant of pucca stage carriage permit. But, in WP No.18517 of 1994 it is her case that her application for grant of permits on town service routes are not being considered by respondent No.2. The orders obtained by her were already referred to while dealing with first route. The findings recorded by me with regard to first route hold good for this route also.

Roule No.3 Rajaraina_Theatre. Mandapeta to Kapileswarapuram:

The distance of this route is about 15 kms. out of which 13 kms., are beyond municipal limits. Ch. Rambabu, brother's son of Mr. Venkataratnam, is the applicant for grant of stage carriage permit. This route was the subject-matter of Writ Petition No. 18595 of 1994 which was disposed of along with WP No. 18517 of 1994 by common order referred supra. The only difference was that the order dated 20-1-1995 was annulled at the instance of existing operator Mr. O. Satyanarayana in WP MPNo.3336 of 1995 on 17-2-1995.

Route No.4:_Rajaratna Theatre, Mandapeta to Gangavaram:

The distance of this route is 35.2 kms. out of which 32.1 kms. are beyond municipal limits.

Again Rambabu is the applicant and the route is the subject matter of Writ Petition No.18595 of 1994 and the order dated 20-1-1995 was annulled on 17-2-1995.

Route No. 5: Mandapeta Bridge to Anaparthi:

The distance of this route is kms. Ch. N.P.R. Kwnar, son of Venkataralnam is the applicant. This route is the subject-matter of Writ Petition No.18597 of 1994 that was disposed of along with Writ Pelition No.18517 of 1994. The orders in this case were annulled by this Court on -7-3-1995 in WVMPNo.411 of 1995.

Route No.6: Kakinada Santhinivas Lodge to Samaikof Gandhi Statue.

Pucca stage carriage permit:

The distance of the route is 15.8 kms., out of which 10 kms., are beyond municipal limits. Ch. Srinivas, another son of Venkataratnam is the applicant for grant of pucca stage carriage permit. On 7-7-1995 he filed an application for grant of pucca stage carriage permit and the same was rejected by RTA on 2-8-1995. He carried the matter in appeal in AP No.275 of 1995. On 28-1-1997 the STAT granted two permits subject to the specific permission of the Transport Commissioner. As the orders of the Tribunal were not complied with by the respondents, the petitioner seemed to have filed Writ Petition No.13431 of 1997 and this Court by order dated 30-6-1997 seemed to have disposed of the writ petition directing the respondents to grant two pucca permits pursuant to the orders of the Tribunal. On the basis of the said orders the respondents started issuing pucca permits on this route to the petitioner. Perhaps, having seen the trend of the proceedings before the Tribunal, he obtained a certified copy of the order of RTA from the Tribunal and filed another appeal AP No.48 of 1996 on 22-1-1996 by stating that the filing of this appeal is necessitated as the respondents gave only one certified copy of the order initially to him though he applied for two permits. Such a statement was made by the petitioner to mislead the Tribunal and obtain some more permits. Even according to him he applied for two pucca stage carriage permits and they were granted by the Tribunal by its order dated 28-1-1997. But the present appeal is filed as if the Tribunal gave only one permit. This is nothing but falsehood. Again, the Tribunal, by order dated 17-7-1997, granted two more permits with specific permission of the Transport Commissioner. Thereafter, the petitioner filed WP No.21483 of 1997 on the file of this Court by contending that the respondents are not granting permit. The above writ petition was disposed of at the admission stage on 9-9-1997 directing the authorities to grant two stage carriage permits to the petitioner forthwith in pursuance of the orders of the Tribunal in AP No.48 of 1996, dated ,17-7-1997, provided that the petitioner files the necessary documents for the purpose. On the basis of this order, the respondent has given one more permit from 3-12-1997 to 2-4-1998.

Temporary Permit :

The petitioner filed an application seeking temporary permit on 12-5-1995. Thereafter, he filed WP No. 14712 of 1995 on 12-7-1995 and the same was disposed of at the admission stage by this Court on 13-7-1995 directing the respondents to consider the grant of pucca stage carriage permit within two months and temporary permit within two weeks from the date of receipt of a copy of the order. In compliance with the orders of this Court, the application for temporary permit was rejected on 2-8-1995. But, the petitioner suppressing this fact, seemed to have filed a letter "for being mentioned" and obtained orders for grant of temporary permits on 21-8-1995. By virtue of this order, the petitioner started plying the bus from 23-9-1995 to 26-5-1996. Aggrieved by this order, RTC filed WA No.1522 of 1995 and by order dated 15-12-1995 a division Bench

of this Court directed the STAT to dispose of AP No.290 of 1995. Thereafter, the petitioner seemed to have filed WA MP No.816 of 1996 seeking direction to the respondents to issue temporary permit on the route and the same was rejected by the Division Bench by order dated 25-4-1996.

Route Nq.7: Extension of town service route from Muramanda to Dulla on the existing service route Kotilingala Temple to Muramanda: (Pucca Stage Carriage Permit)

35. The distance of the original route Kotilingala Temple to Muramanda is about 33.8 kms. and Mr. Ch. Venkataratnam is the existing operator. The details how he could get the temporary permit on this route are not available from the information gathered by me. Now, he seeks variation of the permit by way of extension from Muramanda to Dulla, for an extra distance of 2.5 kms. The total length of the route will be 36.3 kms. and about 24.9 kms. are beyond the municipal limits of Rajahmundry. Initially he seemed to have filed an application seeking pucca stage carriage permit on 15-11-1994 and that application was disposed of by the RTA on 18-9-1995. Aggrieved by that order, he filed RP No.68 of 1995 on the file of STAT and the STAT granted permit subject to specific permission of the Transport Commissioner on 6-5-1997. The APSRTC seemed to have filed WP No.13201 of 1997, questioning the said orders and the same is pending disposal in this Court.

Temporary Permit

Mr. Venkataratoam filed WP No.819 of 1998 on the file of this Court on 9-1-1998 by contending that inspite of the orders of the STAT in RP No.68 of 1995 dated 6-5-1997 the respondent is not issuing the pucca stage carriage permit for variation of the extended route. He also sought for an interim direction for grant of temporary permit. That WP was disposed of on 12-1-1998 directing the respondent to consider the case of the petitioner for grant of temporary permit as sought for within a period of 15 days from the date of receipt of copy of the order, under the mistaken impression that the application for grant of pucca stage carriage permit is pending. Perhaps after obtaining the orders of the Court he might have filed application for grant of temporary permit on 12-1-1998 but the same was rejected by the RTA on 12-2-1998. Suppressing all these facts, he filed another WP No.7355 of 1998 on 19-3-1998 by contending that in spite of the orders of this Court dated 12-1-1998 the respondent did not implement the directions of this Court and my learned Brother G. Bikshapathy J., passed the following order on 20-3-1998. "It is not understood why the authorities have not implemented the directions of this Court in spite of specific orders. The fact remains that still the application of the petitioner is pending and the same has not been considered. Though this is a serious matter which could be taken note of, yet this Court is not inclined to proceed against the respondents with a hope that they discharge their duties properly." Accordingly, the writ petition is disposed of with a direction that the petitioner shall be granted temporary variation as sought for in his application. In compliance of this order, the

respondent issued one temporary permit from 28-3-1998 to 27-7-1998. By the time the permit expired, as this Court has come to know of the fraud played by him, he seemed to have not filed any application for grant of new temporary permit. But, it is doubtful whether he stopped plying the bus after expiry of the permit or not and the matter has to be investigated in the light of the statement made by the Secretary, RTA, that while 12 buses were seized in Rajahmundry Sector some more buses are being plied in Amalapuram Sector on the day when he appeared in the Court, i.e., on 13-10-1998.

36. From the conduct of the petitioner, it is seen that if the respondent really did not implement the orders of this Court dated 12-1-1998, he would have filed a Contempt Case but not a separate writ petition. Had he filed a Contempt Case, the real facts would have come to light and the fraud that is being played by him would have known. To avoid that situation, he simply filed a separate writ petition by contending that the order of this Court dated 12-1 -1998 has not been complied with.

Route Nn.7A: Gokavaram Bus Stand to Dwarapudi

It came to light that Sri Venkataratnam filed writ petition No.14023 of 1993 on 17-9-1993 by contending that STAT did not dispose of the statutory appeal pending on its file in spite of the orders of this Court in writ petition No. 11841 of 1993, dated 19-8-1993; secondly, he stated that the STAT in AP No. 103 of 1991, dated 10-4-1991, granted a temporary permit to one Smt. D. Satyavathi who ran the bus for sometime and stopped plying on the route; thirdly, he slated that this Court consistently held that prior permission of the Transport Commissioner is not needed under Rule 258(2) of the Motor " Vehicles Rules though the length of the route is beyond 8 kms. from municipal limits; fourthly, he stated that this Court gave interim directions to grant temporary permits in WP MP No.17120 of 1993, dated 10-9-1993 in Writ Petition No.13521 of 1993. Stating so, he sought for a direction to the respondents to grant temporary permit to him also on the above route. Initially, the writ petition was admitted on 12-11-1993 and interim direction was given to grant temporary permit. Subsequently on 8-7-1994 the above writ petition was dismissed as infructuous.

Route No.8: Kotilineala Temple. Rajahmmdry to Dalla

The length of this route is about 33.3 kms. and the length of the route beyond municipal limits is about 31.3 kms. Mr. Venkataratnam did not file any application for grant of pucca stage carriage permit at any time. It is interesting to note that he filed WP No.818 of 1998 seeking a direction to the respondent to treat about 45 routes on which private buses are plying on temporary permits as town service routes and collect the tax accordingly and this writ petition was filed on behalf of 15 persons who, according to Mr. Venkataratnam, were holding temporary permits. It is also interesting to note the interim directions sought for by the petitioners in this writ petition and it is useful to extract the same.

"The petitioners further pray that this Hon"ble Court may be pleased to direct the

respondent herein, viz., the Secretary, Regional Transport Authority, East Godavari district at Kakinada, to accept the tax on petitioners stage carriage buses at the rate of Rs. 515/-per seat per quarter as prescribed for town service routes as the case may be under G.O. Ms. No.220 dated 7-11-1996 by issuing permits pending disposal of the writ petition."

In other words, in one WP MP the petitioner sought for two different and distinct reliefs more so the second relief which has nothing to do with the relief sought for in the main writ petition. The Division Bench of this Court consisting Justice B. Subhashan Reddy and Justice G. Bikshapathy by order dated 12-1-1998, while admitting the writ petition, passed the following order:

"Interim direction. Notice."

That is, both the reliefs sought for, were granted by this Court. Under the guise of these orders again Mr. Venkataratnam filed application for grant of temporary permit on 12-1-1998 and the same was rejected on 12-2-1998. From the Annexure to the writ petition it is seen that A. Satyalingam, whose application for grant of permit from Bedarapally Bridge, Amalapuram to Vedurnlanka was rejected on 5-3-1998 and one V. Reddi Naidv, who never filed any application for grant of any permit from Ramachandrapuram to Sunkarapalem were shown as petitioners and it is averred that while Satyalingam was running four buses, Reddi Naidu was running two buses.

Route No.9: Extension of the existing route A.P. Paper Mills, Rajahmundry to Dwarapudi upto Anaparthi:

The original length of the route is about 26.1 kms. and sought extension by 3.7 kms. from Dwarapudi to Anaparthi (ii) for a total length of the route 29.8 kms. out of which 21.7 kms. is beyond municipal limits.

37. Mr. Ch. Venkataratnam and his wife are the existing transport operators by holding three pucca stage carriage permits on the route - A.P. Paper Mills to Dwarapudi. No information is available how they could get the pucca stage carriage permits. On 29-9-1997 they filed WP No.25303 of 1997 by contending that the applications filed by them for grant of pucca and temporary stage carriage permits by permitting variations from Dwarapudi market to Anaparthi are not being considered and this Court while admitting the writ petition by order dated 1-10-1997 granted interim directions to issue three temporary permits by allowing the variation of the existing route upto Anaparthi in respect of all the buses. In obedience of the orders of this Court the respondents started giving temporary permits.

Route No.10: Samalkot Railway Station to Jagganipeta via Peddapuram, Katravulapalli Junction.

(Pucca Stage Carriage Permit)

38. The length of the route is 22.2 kms. out of which 18.4 kms. is beyond

municipal limits. Ch. N.P.R. Kumar S/o Venkalaralnam is the applicant. He filed two pucca stage carriage permits on 8-1-1996 for this route and the same seemed to have been rejected on 10-8-1996. Questioning the same he filed WP No.18567 of 1996 on the file of this Court and on 4-9-1996 this Court allowed the writ petition at the admission stage on the ground that no opportunity was given to the petitioner and directed the respondent to re-consider the matter after giving opportunity to the petitioner. In the light of the order passed by this Court, the respondents seemed to have granted temporary permits on 30-12-1997. Questioning the grant of temporary permits, the APSRTC filed WP No.5061 of 1998 on the file of this Court. Initially this Court suspended the order of the RTA in WP MP No.6102 of 1998 dated 11-3-1998. Subsequently, the above writ petition was disposed of on 24-3-1998 directing the STAT to dispose of Appeals AP Nos.520 of 1997 and 521 of 1997, filed by the respondents therein perhaps after filing of this writ petition in this Court, and the petitioner herein (second respondent therein) was permitted to ply his vehicles pending disposal of the Appeals. Ultimately those appeals were dismissed on 14-8-1998. Here it is to be noticed that the petitioner filed WP No.18567 of 1996 against the orders of rejection passed by RTA dated 10-8-1996 and this Court was pleased to remand the matter for reconsideration. Pursuant to the orders of this Court the Respondents granted temporary permits and the question of filing of appeals against the order of RTA dated 10-8-1996 does not arise. But, I am of the view that the petitioner filed the appeals only to mislead the Court and divert the attention of the Court from the real facts of the case and, in fact, he succeeded in his attempt by obtaining an order directing the STAT to dispose of the appeals and pending disposal of the appeals to permit him to ply his vehicle. While things are going on in this manner for grant of pucca stage carriage permit the modus operandi adopted by him in obtaining temporary permit is stated hereunder.

Temporary Permit

Mr. Venkalaralnam filed four applications on 25-7-1995 for grant of four temporary permits and within 3 days thereafter he filed WP No.16823 of 1995 on the file of this Court and this Court disposed the writ petition at the admission stage on 28-7-1995, by giving a direction to the respondent to dispose of the applications of the petitioner within two weeks. Subsequently, on 22-8-1995 he seemed to have filed a letter "for being mentioned" and the same has been posted before the Court on 25-8-1995. This Court was pleased to direct the respondent to grant temporary permits till the disposal of the applications for grant of pucca stage carriage permit. Pursuant to the said orders, the Secretary, RTA started giving temporary permits from 8-11-1995. On 7-3-1996 Ilic petitioner filed another WP No.4574 of 1996 by stating that though the temporary" permit is going to expire by 7-3-1996, the respondent is not moving in the matter to issue fresh permit. On the basis of the submission made by the petitioner, Justice Motilal B. Naik by order dated 7-3-1996 directed the respondent "to consider the request of the petitioner for grant of pucca permit on the route in question within a period of two months from today or the next sitting

of the RTA whichever is earlier. Till the grant in question for pucca permit is considered, the respondent shall issue temporary permits to the petitioner to continue to run the vehicle for a period of four months or till the disposal of the request of the petitioner for grant of pucca permit whichever is earlier." In compliance with the orders of this Court, the RTA was issuing temporary permits. While things stood thus, for the reasons best known to him once again, the petitioner seemed to have filed WP No.20485 of 1995 by contending that the respondents are insisting for payment of tax applicable to a mofussil carriage though he was plying buses on town service routes and in fact under threat of stoppage of the vehicles he paid tax as insisted, under protest for the permit valid upto 13-9-1997. His further case is that when he filed application for the next quarter ending with 31-12-1997 for grant of temporary permit the respondents are insisting for payment of tax as mofussil stage carriage though he has produced the order passed by this Court in WP No.19012 of 1997 dated 13-8-1997 relating to some other person and the respondents are stating that unless he obtained similar orders they cannot act upon the orders issued by the High Court in another writ petition. It is interesting to note that though he is running the vehicles by obtaining temporary permits by virtue of the orders granted by this Court in WP No. 16823 of 1995, dated 22-8-1995 and WP No.4574 of 1996, dated 7-3-1996 and the 2nd writ petition is very much pending on the file of this Court, without mentioning all these facts, he simply stated in the affidavit that he is plying vehicles on the basis of the permits issued by the Secretary, RTA, Kakinada for short periods not exceeding four months each time, in view of the particular temporary need on the route. On the basis of the said allegations this Court while admitting the writ petition by order dated 29-8-1997 passed the following order in WP MP No.24880 of 1997:

"The respondent to accept the tax at the rate of Rs.620/- per seat from the petitioner for the ensuing quarter. Appropriation or refund of the said amount will be subject to the result of this petition. If tax at Rs.620/- is paid, the authority to issue permits to the petitioner."

and the WP MP was posted in the third week of September, 1997. On 19-9-1997 another Division Bench directed the office to post the WPMP after two weeks. He also filed another WP No.24743 of 1997 on 25-9-1997 by contending that the permits granted are valid from 31-9-1997 to 30-12-1997 or till the vacation of the orders in WP No.16283 of 1995 which is still pending on the file of this Court and the respondents are orally harassing him to stop plying the buses or get the clarification from the Hon'ble High Court. It is interesting to note that though he referred to the WP No. 16283 of 1995 dated 28-7-1995 under which the respondents started granting temporary permits he did not make any mention about the orders obtained by him in WP No.4574 of 1996, dated 7-3-1996 and WP No.20485 of 1997 dated 29-8-1997. This Court, while admitting the writ petition by order dated 29-9-1997 granted interim directions in WPMP No.28820 of 1997 and the writ petition is still pending. It also came to light that the petitioner filed WP No.933 of 1998 on 12-1-1998 stating that he was plying two

buses from Samalkot Railway Station to Jaggampeta route and four buses on Samalkot Railway Station to Dwarapudi route and seeking a direction to the respondent to collect tax treating the routes as town services. It is again interesting to note the prayer in this writ petition:

"The petitioner further prays that this Hon"ble Court may be pleased to direct the respondent herein viz., the Secretary, RTA, East Godavari at Kakinada to accept the tax on petitioner buses at the rate of Rs.515/- per seat per quarter as prescribed for town service routes as the case may be, under G.O. Ms. No.220 dated 7-11-1996 by issuing four permits on the town service route from Samalkota Railway Station to Dwarapudi Bridge, and two permits from Samalkota Railway Station to Jaggampeta via Peddapuram, pending disposal of the appeal Nos.520 of 1997 and 521 of 1997 on the file of the STAT." From this it is evident that under the guise of seeking relief in payment of tax he tried to get permit on the route stealthily under the guise of pendency of the appeals filed by him in 1997 against the orders of RTA rejecting his application for grant of pucca permit, in the year 1998 so that if one order in one writ petition is vacated, he can pull out another order from his armoury to operate his buses on the route uninterruptedly. This Court while admitting the writ petition by order dated 12-1-1998 granted interim directions as prayed for in WP MP No. 1040 of 1998. But to his dismay, having woken up from its deep slumber, on 15-4-1998 the APSRTC filed an implead petition No.11698 of 1998 and the same was allowed by their Lordships P. Venkatarama Reddi, J. and A. Hanumanthu, J., and directed the office to post WVMP No. 1125 of 1998 after one week. On 29-4-1998 the Bench passed the following order:

"The interim direction shall not apply to the grant of permits on the routes mentioned in the WPMP. As the subject-matter of the writ petition is with regard to the quantum of tax payable no direction can be granted beyond the scope of the writ petition. If any permits are granted pursuant to this interim order, the same are liable to be revoked. The applications of the petitioner for permits will be dealt with on their own merits without reference to the directions given in the interim order."

RouteNo.11:

- (i) RTC Bus Stand, Amalapuram to Tillakuppa via Mummidivaram.
- (ii) RTC Bus Stand, Amalapuram to S. Yanam viz. Venkateswaraswamy Temple.
- (iii) RTC Bus Stand, Amalapuram to Appanapalte via Mamidikuduru.

39. Mr. Kumar also filed another Writ Petition Np.929 of 1998 for similar reliefs as sought for in Writ Petition No.933 of 1998 for the routes (1) RTC Bus Stand, Amalapuram to Tillakuppa via Mummidivaram, the length of which is 32 kms. and out of it 28 kms. are beyond municipal limits; (2) RTC Bus Stand, Amalapuram to S. Yanam via Venkateswaraswamy Temple, the length of which is 14 kms. and out of it 12 kms. are beyond the municipal limits and (3) RTC Bus

Stand, Amalapuram to Appanapalli via Mamidikuduru, the length of which is 25 kms and out of it 23 kms. are beyond the municipal limits. In the words of petitioner himself, "though the applications were made together with valid challans, temporary permits are not being issued. When I asked for the reasons the respondent is demanding that I should pay tax as prescribed for the mofussil route and then only the permits will be issued". On 12-1-1998 the Division Bench consisting of their Lordships B. Subhashan Reddy, J., and G. Bikshapthy, J., passed the same order and at the instance of APSRTC the Division Bench consisting of their Lordships P. Venkatarama Reddi, J., and A. Hanumanthu, J., passed the order dated 29-4-1998 referred to above. The petitioner did not disclose when he filed these applications and whether he filed any application for grant of pucca stage carriage permit or for temporary stage carriage permit, After obtaining the orders dated 12-1-1998 from this Court, he seemed to have filed the applications on even date i.e., 12-1-1998 seeking grant of temporary permits for the first two routes and he has not even filed any application for grant of temporary permit for route No.3 i.e., RTC Bus Stand, Amalapuram to Appanapalli via Mamidikuduru.

Route No.12_: Gokavaram_ Bus Stand, Raiahmundry to Gokavaram.

The total length of the route is 30 kms. out of which 25.8 kms. are beyond the municipal limits. Ch. Srinivas, son of Venkataratnam filed applications for grant of two pucca stage carriage permits on 7-7-1995 and the same have been rejected by the RTA in its meeting held on 18-9-1995 in item 19. Aggrieved by the said order, initially the petitioner filed one appeal - AP No.290 of 1995 on the file of the State Transport Appellate Tribunal on 30-11-1995. That appeal was allowed by the Tribunal by order dated 23-7-1996 and directed the authorities to grant permit subject to the prior permission of the Transport Commissioner as required under Rule 258(2Xii) of the Rules. Aggrieved by this order the APSRTC filed writ petition No.22519 of 1996 and this Court while admitting the writ petition, by order dated 18-10-1996, ordered that status quo as on that day with regard to the operation of the vehicles on the route shall continue until further orders.

40. For reasons best known to the petitioner, he seemed to have obtained a certified copy of the order of the RTA dated 18-9-1995 rejecting his application for pucca stage carriage permit and filed another appeal - AP No.45 of 1996. This appeal was again allowed by the STAT on 23-7-1996 and granted one more permit subject to the permission to be granted by the Transport Commissioner. On 18-9-1996 the petitioner filed another Writ Petition No.19783 of 1996 complaining against the action of the respondents in not granting the permits pursuant to the orders passed by the STAT in AP No.290 of 1995 and No.45 of 1996 contending that they were disposed of on 23-7-1996. But the truth is, AP No.290 of 1995 was disposed of by the STAT on 30-11-1995 and this Court by order dated 18-10-1996 ordered status quo as on that date in writ petition No.2251 of 1996 filed by the APSRTC. He also filed WPMPNo.24837 of 1996

seeking a direction to the respondents to continue the issuance of temporary permits. In the language of the petitioner, "till the issuance of pucca permits in pursuance of final orders of grant by the Tribunal, AP, Hyderabad, dated 23-7-1996 in AP Nos.290 of 1995 and 45 of 1996 pending disposal of the writ petition and pass such other necessary order or orders". While admitting the writ petition, by order dated 20-9-1996, the respondents were directed to continue temporary permits for a period of four weeks from that date pending further orders." That order has been extended by four more weeks in WP MP No.27586 of 1996 dated 18-10-1996. Thereafter this Court seemed to have not extended the interim orders but under the status quo orders passed by this Court on 18-5-1996 in writ petition No.22509 of 1996 filed by the APSRTC, the petitioner seemed to be operating the buses on the route.

Temporary permit

The petitioner seemed to have filed an application on 12-5-1995 seeking temporary permit on that route and thereafter filed writ petition No.14712 of 1995 questioning hiP inaction on the part of the respondents in not considering his application. On 13-7-1995 the writ petition was disposed of at the admission stage with a direction to dispose of the application for grant of temporary permit within two weeks from that date of receipt of the order. Pursuant to that order the RTA rejected the application on 2-8-1995. Suppressing this fact the petitioner seemed to have filed a letter to post the writ petition "for being mentioned" and when the matter is listed before the Court on 21-8-1995, the Hon"ble Court was pleased to direct the respondents to issue temporary permits on the application dated 12-5-1995. Aggrieved by the above order, the APSRTC filed writ appeal No. 1522 of 1995 before a Division Bench. A Division Bench of this Court disposed of the said writ appeal by directing the STAT to dispose of the appeal - APNo.290 of 1995 pending on its file on 27-12-1995 positively. After the disposal of the above writ appeal, the petitioner made an unsuccessful attempt to get an order from the Bench for continuation of grant of temporary permits by filing WA MP No.816 of 1996. "But the said petition was dismissed by the Division Bench on 25-4-1996.

41. It is interesting to note that while making efforts before a Division Bench to get the orders in WA MP No.816 of 1996 in writ appeal No.1522 of 1995, without making a mention of this fact, the petitioner filed another writ petition No. 1540 of 1996 on 31-1-1996 on the file of this Court by contending that the STAT failed to dispose of the appeal on 27-12-1995 as directed by this Court and sought for "a direction to the respondents to continue the grant of temporary permit till the disposal of the appeal No.290 of 1995 on the file of STAT. The said writ petition was disposed of by order dated 31-1-1996. while directing the STAT to dispose of the appeal pending on its file, this Court directed the respondents to grant temporary permit to the petitioner on compliance of other requirements. The learned Judge also observed that while granting temporary permit the respondents shall make it clear in the order that the temporary permit would be

extended only till the disposal of the appeal by STAT or for four months whichever is earlier. Subsequent events were already referred to while dealing with the application for grant of pucca permit.

Route No. 13

Gokavaram Bus Stand, Rajahmundry to Chinakondepudi via A.P. Paper Mills, Torredu, Kapavaram, Muggalla, Sithanagaram, etc.

42. The total length of this route is 23.1 kms. out of which 20.5 kms. are beyond the municipal limits.

Temporary Stage Carriage Permit

Initially Sri Venkataratnam seemed to have filed on 28-3-1992 two applications for grant of two temporary stage carriage permits. A reading of the affidavit filed in writ petition No.10712 of 1994 gives me an impression that the petitioner is playing the game of musical chairs with the officers, STAT and this Court and somehow he is reaching the winning post. The modus operandi adopted by him was that he was filing an application before the RTA and on confirming of the rejection orders by the STAT, he was filing writ petitions and obtaining interim orders for grant of temporary permits. The present writ petition i.e., writ petition No.10712 of 1994 seems to have been filed seeking grant of temporary permits during the pendency of the appeal - AP No.298 of 1993 on the file of the Tribunal which was filed against the orders of the RTA dated 9-2-1993 rejecting his application for grant of temporary permit. While admitting the writ petition, this Court, by order dated 20-9-1994, directed grant of temporary permits to the petitioner pending further orders. Under these orders the petitioner initially obtained one temporary permit valid from 10-3-1995 to 9-7-1995, two more permits valid from 2-6-1995 to 11-10-1995 and thereafter from 13-9-1995 he went on obtaining three temporary permits to ply his vehicles and ultimately this writ petition was dismissed as infructuous on 23-10-1997.

Pucca Stage Carriage Permit

While plying the three buses on temporary permits on this route, Smt. Nagamani and Sri Venkataratnam filed separate applications for grant of pucca stage carriage permits on 9-6-1995 and 31-5-1995. Their son Ch. N.P.R. Kumar filed two applications for grant of two pucca stage carriage permits on 12-6-1995. All these applications seemed to have been rejected by the RTA in its meeting held on 18-9-1995. Aggrieved by those orders, while Venkataratnam filed AF No.6 of 1996, his wife filed AP No.5 of 1996 and their son filed AP Nos.285 of 1995 and 49 of 1996 on the file of the STAT. Though all the appeals relate to the same route, the STAT allowed the appeals filed by Ch. N.P.R. Kumar on 31-9-1996 directing the respondents to grant pucca permit subject to the specific permission of the Transport Commissioner keeping the appeals filed by the husband and wife pending. How it happened God only can know of the things. It shows the laxity on the part of the officials and the Counsel representing them

and, wittingly or unwittingly, they became participants in the fraud played by this petitioner. Subsequently, Ch. N.P.R. Kumar filed writ petition No.10870 of 1997 questioning the action of the respondents " in not granting pucca stage carriage permits pursuant to the orders of the STAT in his favour and obtained interim orders on 13-5-1997 in WP MP No.13160 of 1997 for grant of temporary permits. Under those orders he is plying his buses now. AP No.6 of 1996 and 5 of 1996 filed by the husband and wife were allowed by the STAT on 14-5-1997 and those orders were questioned by the APSRTC by filing writ petition No. 18087 of 1997. But no interim directions seemed to have been granted in favour of the APSRTC. On the basis of the orders of the STAT, the Secretary, RTA seemed to have addressed a letter to the Transport Commissioner on 18-6-1997 and the Transport Commissioner was pleased to reject the permits by his order dated 2-9-1998.

43. Subsequently, Venkataratnam filed writ petition No.22255 of 1997 contending that the action of the respondents in trying to interfere, without valid orders, with the operation of his buses - three in number - on the town service routes Gokavaram bus stand to Chinakondepudi and Kotilingala Temple to Murumanda via Vemagiri though the validity of the permit extends till the disposal of the writ petition, as arbitrary, illegal, mala fide and without jurisdiction. The affidavit filed in this case by Venkataratnam is very interesting. He says that he is the operator of the stage carriage buses on the town service route i.e., Gokavaram Bus Stand to Chinakondepudi and Kotilingala Temple to Munimanda and according to him he was running these buses by obtaining temporary permits under the orders of this Court in WP MP No.13013 of 1994 in Writ Petition No.10712 of 1994 which was dismissed on 23-10-1997 and in WPMPTNo.13163 of 1997 in Writ Petition No. 10870 of 1997.

44. It is interesting to note that while writ petition No.10712 of 1994 was filed by him in 1994 questioning the action of the respondents in not granting temporary permits pending disposal of the appeal filed by him before the STAT against the orders of rejection of the applications for grant of temporary stage carriage permit by the RTA, his son filed writ petition No. 10870 of 1997 questioning the action of the respondents in not granting pucca stage carriage permits in the light of the orders passed by the STAT in AP No.285 of 1995 and 49 of 1996 dated 31-5-1996. These two writ petitions were referred to by the petitioner to show that he is running or operating buses not only on the route Gokavaram Bus Stand to Chinakondepudi but also Kotilingala Temple to Murumanda though the above writ petitions do not refer to the second route. On the basis of the averments made by the petitioner, this Court was pleased to direct the respondents to dispose of the applications for grant of pucca stage carriage permits within two months from the date of receipt of this order and permit the petitioner to operate the vehicles on temporary permits until the applications for grant of pucca stage carriage permits are considered and disposed of. As far as applications for pucca stage carriage permits on the so called town service route Gokavaram bus stand to Chinakondepudi, were disposed of by the RTA on

18-9-1995 and even the appeals filed by them were disposed of by the Tribunal on 14-5-1997 itself. Suppressing these facts he filed the present writ petition by contending that his applications for grant of pucca stage carriage permits are still pending before the RTA. There is neither any whisper about the proceedings pending before the Tribunal nor the Tribunal was made a party to the proceedings. Thereafter he filed WP MP No.31068 of 1997 on 17-10-1997 to post the case "for being mentioned" before the learned single Judge and for the first time in this miscellaneous petition he brought to the notice of the Court that the Tribunal granted permits subject to the approval of the Transport Commissioner and it is his case that the Transport Commissioner failed to grant approval so far. But on 2-9-1997 itself the Transport Commissioner rejected the permits. On the basis of the averments made by the petitioner in the WP MP the learned Judge passed the following order:

"It is desirable that the Transport Commissioner shall consider grant of approval as required under Rule 258 of the Rules, within four weeks. Pending grant of approval the petitioner shall be allowed to ply the buses on temporary permits."

45. The information furnished by the respondents in three tabular forms does not throw any light whether the buses stopped plying after the orders of the Transport Commissioner rejecting permits or they are being operated by the petitioners under the orders of the Court, obtained by them suppressing the real facts. It is rather surprising to note that the Secretary, RTA went on issuing temporary permits under the orders of this Court dated 17-10-1997 though the Transport Commissioner rejected the permission way back on 2-9-1997 and the writ petition is pending.

Route No. 14 : Samalkot Railway Station to Dwarapudi Bridge

The length of this route is 15 kms. out of which 12 kms. is beyond the Municipal limits.

Route No. 15 : Gokavararn Bus Stand, Rajahmundry to Anaparthi

The total length of this route is 29.8 kms. out of which 21.9 kms. is beyond the Municipal limits.

Ch. N.P.R. Kumar, s/o Venkatarainam is the applicant on both these routes. He filed an application for pucca stage carriage permit on 27-9-1997 and on the very next day he came to the High Court and filed Writ Petition No.25083 of 1997 by contending that his applications for grant of permits are not being considered by the respondents. The above writ petition was disposed of by order dated 30-9-1997 by directing the respondents to dispose of the applications within two months from the date of receipt of a copy of the order or in the ensuing RTA meeting whichever is earlier. They were also directed to consider grant of temporary permits pending consideration of the applications for pucca stage carriage permits within two weeks. In compliance of the above orders, the RTA at its meeting held on 28-10-1997, rejected the applications of the petitioner on

both the routes. In the meantime, on 28-10-1997 the petitioner filed Writ Petition No.28243 of 1997 contending that inspite of the orders of this Court dated 30-9-1997 the respondents have not issued temporary permits pending consideration of the applications for grant of pucca stage carriage permits. In those circumstances, while admitting the writ petition, by order dated 29-10-1997, this Court directed the respondents to grant temporary permits to the petitioner if the applications filed by the petitioner on 27-9-1997 are pending before the authorities and ordered notice. On 28-10-1997 the RTA rejected the applications for grant of permits. Suppressing these facts the petitioner filed WP MP No.40907 of 1997 for modification of the order dated 29-10-1997. While admitting the fact of filing an application on 29-7-1997 the petitioner contends that he submitted two applications for grant of temporary permits on 3-10-1997 and two applications for grant of temporary stage carriage permits on 7-10-1997. It is interesting to note the averments made in para 2 of his affidavit:

"I respectfully submit that I had filed applications for the grant of pucca permits and temporary permits on 27-9-1997. By way of abundant caution, I had also submitted 2 applications for the grant of temporary permits on 3-10-1997 and 2 applications for the grant of temporary permits on 7-10-1997. The respondent Secretary, Regional Transport Authority, East Godavari at Kakinada is not considering my applications dated 3-10-1997 and 7-10-1997 because the applications dated 27-9-1997 which are mentioned in the order, according to him are technically defective. He is refusing to consider my applications dated 3-10-1997 and 7-10-1997, even though they are in order, because they are not mentioned in the Court order. Therefore, to meet the ends of justice and to obviate any technical and trivial objection from the respondent, it would be just and proper to pray this Hon'ble Court to delete the date 27-9-1997 from the order of this Hon'ble Court dated 29-10-1997 passed in WPMP No.32918 of 1997."

This is nothing but a flagrant lie made by the petitioner. This Court again by order dated 31-12-1997 deleted the date mentioned in the order i.e., 27-9-1997 and directed the office to issue revised orders. From the information furnished by the respondents the petitioner filed application only on 27-9-1997 but not on any other day as contended in the above WP MP. Having got the date deleted from the order dated 29-10-1997 on 31-12-1997, the petitioner is now plying the buses on the route. From the information furnished by the respondents it is not known whether any temporary permits were granted pursuant to the revised orders issued by this Court on 31-12-1997 or not.

Route No.16 : Extension of the route Mandapeta Bridge to Anaparthi upto Rajanagaram

The length of the original routes is 20 kms. and is now seeking extension of the route by i 2 kms. - in all 32 kms. - out of which 20 kms. are beyond Municipal limits. As per the information furnished by the respondents, Smt. Nagamani was not holding any permits to operate her buses on the route Mandapeta Bridge to

Anaparthi and she never filed any application for variation. But Smt. Nagamani filed Writ Petition No.9648 of 1997 questioning the action of the respondents in not considering her application for variation of the existing route Mandapeta Bridge to Anaparthi by extending it to Rajanagaram, even without filing any application as stated in the writ petition. This Court seemed to have given an interim direction for grant of variation of the route on 1-10-1997. But till this date, she has not filed any application for variation.

Others

Route No.1 : Eedurapalli Bridge, Amalapuram to Vedurulankarevu

The length of this route is 30.1 kms. out of which 27.1 kms. are beyond the Municipal limits.

(a) Sri K. Satyanarayana Murthy filed two applications for grant of pacca stage carriage permits on 26-3-1995 and the same have been rejected by the RTA on 18-9-1995. Aggrieved by those orders, AP No.289 of 1995 was filed on the file of the Tribunal on 20-11-1995 and the said appeal has been allowed by the Tribunal on 11-1-1996 and granted permits subject to the specific permission of the Transport Commissioner.

46. Perhaps, having seen the trend of arguments in the appeal he obtained a certified copy of the orders of RTA dated 18-9-1995 on 8-1-1996 i.e., three days prior to the order and filed another appeal AP No.38 of 1996.

47. Aggrieved by the order in AP No.289 of 1995, the APSRTC filed Writ Petition No.2529 of 1996 and obtained interim suspension of the order passed by the Tribunal, on 14-2-1996. It is surprising to note that immediately after the order of the Tribunal in AP No.289 of 1995, dated 11-1-1996, was suspended by this Court, the petitioner filed Writ Petition No.3313 of 1996 by contending that the first appeal filed by him was already allowed by the Tribunal, but the same was stayed by the High Court on 14-2-1996; As the second appeal - A.P. No.38 of 1996 filed by him is pending on the file of the Tribunal and as such the action of the respondents in not issuing temporary permits pending disposal of the appeal is illegal. He also sought for interim directions for grant of temporary permit pending disposal of the writ petition and this Court while admitting the writ petition, by order dated 20-2-1996, directed the respondents to continue the issuance of temporary stage carriage permit to the petitioner's buses upto 26-2-1996 and directed the office to post the WP MP "for orders" on 26-2-1996. When the learned Judge directed the office to post the WP MP on 26-2-1996, somehow the WP MP was posted before the learned Judge on 22-2-1996 and the learned Judge modified the earlier order and directed the grant of temporary stage carriage permit for four months or till the disposal of the appeal - AP No.38 of 1996 pending on the file of the Tribunal whichever is earlier. Such a grave lapse has taken place in granting the interim directions because of the carelessness of the Counsel appearing for the Government. Had he read the affidavit of the petitioner in para 5 of the affidavit he would have brought the fact

of suspending the order of the Tribunal in AP No.289 of 1995 by the High Court on 14-2-1996 to the notice of the Court. The petitioner will be in a better position to explain in the proceedings that are to be initiated for perjury, what necessitated him to file AP No.38 of 1996 by obtaining a certified copy of the resolution of the RTA from the Tribunal on 8-1-1996 and when the order of the Tribunal in AP No.289 of 1995 was suspended by this Court how he can file this writ petition and obtain orders for grant of temporary stage carriage permit by misleading the Court.

48. Perhaps, the petitioner having seen the trend of arguments before the Tribunal, obtained certified copy of the resolution of the RTA from the Tribunal on 8-1-1996 and filed AP No.38 of 1996. Why he filed this appeal could not be found out as the respondents failed to produce the relevant records. But that appeal was dismissed on 11-9-1998. The above facts were admitted by the petitioner in the affidavit filed in the Court on 13-10-1998.

Temporary permit

It is a fact that along with the application for grant of pacca stage carriage permit the petitioner also filed application for grant of temporary stage carriage permit on that date i.e., 26-3-1995. Initially he filed Writ Petition No. 14795 of 1995 and the same was disposed of by order dated 13-7-1995 directing the respondents to consider his application for grant of pacca stage carriage permit within two months from the date of receipt of a copy of that order or in the next meeting of the RTA whichever is earlier. A further direction was given to the respondents to consider the application filed by the petitioner for grant of temporary stage carriage permit within two weeks from the date of receipt of the order. Pursuant to the said orders the application was rejected on 5-8-1995. Without disclosing this fact the petitioner got a letter filed in the Court on 11-8-1995 to post the writ petition "for being mentioned" by contending that the respondents did not comply with the orders of this Court dated 13-7-1995. Acting on the plea of the petitioner, this Court by order dated 21-8-1995 directed the Secretary, RTA to issue temporary permits on the application of the petitioner dated 26-3-1995. Aggrieved by this order, the APSRTC filed Writ Appeal No.1687 of 1995 and this Court was pleased to. suspend the order passed by the learned single Judge and also the temporary permit granted by the Secretary, RTA on 21-10-1995 vide orders dated 12-12-1995 in WA MP No.2957 of 1995. Subsequently, the above writ appeal was disposed of by a Division Bench of this Court on 26-12-1995. On that day, the petitioner's Counsel brought to the notice of the Court that APNo.289 of 1995 filed before the STAT is pending and that the Presiding Officer of the STAT will be on leave on 2-1-1996. Both the Counsel seemed to have requested the Court to hear the matter on that day itself. But the Court made the following order:

"In view of this position, the proper thing is to direct the Tribunal to dispose of the appeal filed by R1 seeking temporary permit on 3-1-1996 itself together with any application for interim stay, if, for any reason, the Tribunal is not silting on

that day it shall dispose of the matter on the very next date of hearing on which it is sitting, since the advocates appearing for both the parties have agreed to argue the case on 2-1-1996 or on the next hearing date. Further, if it is not possible for the Tribunal to dispose of the main appeal itself, it shall consider the interlocutory applications of R1 on that day since R1 has stopped operating the vehicle. It is made clear that the Tribunal shall dispose of the appeal uninfluenced by its earlier order. However, it shall take into account the correct legal position so also the effect of the approved schemes if any and the law laid down by this Court in WA No.1361 of 1995 dated 27-11-1995 if applies to the facts of the case. All other contentions are kept open. It is needless to say that the interim order passed on 12-12-1994 will not become the final order."

The matter seems to have been posted before the Bench once again on 22-1-1996 "for being mentioned". On that day, the following order was passed :

"Heard. In the circumstances, there is no need to pass any further orders except noting that all interim orders in force shall be taken as merged in the final orders passed by this Court in the writ appeal."

49. A combined reading of all the orders passed in the writ appeal gives me an impression that though interim suspension was granted on 12-12-1995, while disposing of the writ appeal on 26-12-1995 the learned Judges observed that interim order will not become the final order. In other words, they have not vacated the order. The order passed on the letter "for being mentioned" simply says that the interim order is merged in the final order. In other words, the order passed by the Court on 12-12-1995, though has not become final, it shall continue to be in force till the disposal of the appeal pending before the STAT as it was not vacated. At the worse, the appeal was disposed of with a direction to the STAT to dispose of the appeal pending on its file. Here it is also interesting to note that AP No.289 of 1995 was allowed by the STAT on 11 -1 -1996 and the APSRTC filed Writ Petition No.2529 of 1996 on the file of this Court and obtained interim suspension of the order on 14-2-1996. Suppressing that fact, he filed Writ Petition No.3313 of 1996 under the guise of pendency of AP No.38 of 1996 filed subsequently and obtained interim orders for grant of temporary stage carriage permits.

(b) One K.V. Ramakrishna Rao also filed Writ Petition No.27995 of 1996 on 26-12-1996 by stating that the application filed by him along with the necessary challans on 17-12-1996 for grant of temporary stage carriage permit on the town service routes -(i) Ecdurupalli Bridge, Arnafapuram to Vedunilankarevu and (ii) Amalapuram SKBR College to Mamidikudurn, are not being considered, even without filing any application for the permit on the first route. Sri K. Satynarayanamurthy, the brother of Sri K. V. Ramakrishna Rao, filed an affidavit in the Court on 13-10-1998 stating that the petitioner (Sri K. V. Raniakriufma Rao) is a disabled person from the time of his birth and he is subjected to menial imbalance very often. Hence lie is looking after the affairs of his brother. In the light of this affidavit, it is doubtful to believe that Sri Ramakrishna Rao has sworn

to this affidavit. This Court while admitting the writ petition, by order dated 30-12-1996, granted interim direction to permit the petitioner to operate his buses on the above routes by granting temporary permits pending disposal of the writ petition. Pursuant to the positive direction granted by this Court the respondents went on granting four temporary permits on the second route. For the first route, he neither filed any application nor obtained temporary permit till this date.

50. Again he filed another writ petition No.21465 of 1997 on 8-9-1997 by contending that the respondents are not issuing fresh permits after expiry of the temporary permits on 7-9-1997 though under the orders passed by the Court in WP MP No.34582 of 1996, dated 30-12-1996, they are bound to grant temporary permits till the disposal of writ petition No.27995 of 1996. This Court while admitting the writ petition on 9-9-1997 granted interim directions i.e., directed the Secretary, RTA to permit the petitioner to operate his four buses without any interference on the above two town service routes and this writ petition is still pending disposal in the High Court. Just four days before filing the writ petition, he filed application for grant of temporary permit for the first route i.e., on 4-9-1997. After the above orders, he started taking two permits on each of the routes and is operating the buses. Nearly two years after filing of the writ petition i.e., writ petition No.27995 of 1996, the APSRTC got itself impleaded in the above writ petition and filed petition to vacate the interim orders granted by this Court on 30-12-1996. When the matter came up before me, I disposed of the main writ petition itself on 25-3-1998. Having noticed that the respondents are granting temporary permits on the basis of the orders of this Court without considering the fact whether the proposed route is served by any nationalised route and whether the grant of pacca stage carriage permit would not contravene any of the schemes which are in vogue by that time, I gave the following direction:

"If the petitioner filed an application for grant of pacca stage carriage permit the RTA is directed to dispose of the application within four weeks from the date of receipt of a copy of the order, if necessary, by convening special meeting and if the RTA is not inclined to grant pacca stage carriage permit, the temporary permit under which the petitioner was operating the vehicles will be cancelled forthwith."

I have also made it clear that if any application for grant of pacca stage carriage permit is filed, the RTA shall not consider any application filed by him for grant of temporary permit without hearing APSRTC and the question of granting temporary permit will arise only when the APSRTC fails to satisfy the RTA that the proposed route is adequately served by the buses operated by the APSRTC.

51. With the result, though this writ petition was disposed of by order dated 25-3-1998 with a direction that if the RTA is not inclined to grant pacca stage carriage permit, the temporary stage carriage permits that were granted shall be cancelled forthwith, by virtue of the interim order of this Court dated 9-9-1997 in

WPMPNo.26159 of 1997 in writ petition No.21465 of 1997 the respondents are continuing to grant temporary stage carriage permits due to the pendency of this writ petition. But the order passed by me seemed to have not come to the notice of the respondents till this day with the result the petitioner is operating his buses uninterruptedly. Further, even if this order reaches the respondents the petitioner will immediately pull out the order obtained in writ petition No.21465 of 1997, dated 9-9-1997 to preempt the respondents from stopping his vehicle.

Route No.2: S.K.B.R. College, Amalapuram to Mamidikuduru

The total length of this route is 31 kms out of which 28.5 kms are beyond the municipal limits. Ramakrishna Rao filed applications on 23-12-1996 for grant of four pacca stage carriage permits and thereafter filed writ petition No.27995 of 1996 and obtained interim order on 30-12-1996 and started operating four buses. He filed another writ petition No.21465 of 1997 on 9-9-1997.

52. From the facts that come to light with regard to these two routes for which Ramakrishna Rao filed the applications, while he stated in the first writ petition that he filed the applications along with the necessary challans on 17-12-1996, as per the information furnished by the respondent no such applications were filed and for the first time he filed applications seeking temporary permit for the route Eedurupalli Bridge to Vedurulankarevu only on 4-9-1997 and filed another application on 7-9-1997 for grant of pacca stage carriage permit. Though he obtained interim orders for this route as early as on 30-12-1996, he did not seek temporary permit on this route till he filed the second writ petition. Thereafter he started plying two buses on this route under the orders of the Court dated 9-9-1997.

53. With regard to the other route, having filed an application on 23-12-1996, within three days he filed the writ petition on 26-12-1996 and obtained orders on 30-12-1996. Subsequently writ petition No.27995 of 1996 was disposed of by order dated 25-3-1998 and the order passed by me was already referred to while dealing with the route Eedurupalli Bridge to Vedunilankarevu. The order seemed to have not reached the respondents so far.

54. In the meantime he filed second writ petition No.21465 of 1997 and obtained interim orders once again. The observations made by me while dealing with the route Eedurupalli Bridge, Amalapuram to Vedurulankarevu equally apply to this route.

Route No.3: RTC Bus Stand, Amalajntram to Komaragiripatnani

The total length of the route is 19 kms out of which 15 kms are beyond municipal limits. One Mr. K. Ganga Raju seemed to have filed four applications for grant of temporary permits and then he himself filed writ petition No.27989 of 1996.. on 26-12-1996 stating that he filed applications with necessary challans on 17-12-1996 and the respondents are not considering his request for grant of temporary permits on this route as well as on the route that is going to be

referred to below. This Court while admitting the writ petition by order dated 30-12-1996 granted interim direction to permit the petitioner in operating the buses by granting temporary permits on the application dated 17-12-1996 pending disposal of the writ petition. In compliance of the orders of this Court the respondents started granting temporary permits from 23-2-1997. While the above orders are in force, the petitioner filed another writ petition No.21817 of 1997 seeking a direction to the respondents not to interfere with the operation of his buses by contending that by the orders passed by this Court in writ petition No.27989 of 1996 dated 30-12-1996 to the effect that the temporary permits to be granted till the disposal of the writ petition, are still pending. This Court while admitting the writ petition granted interim directions on 11-9-1997 and posted the WPMP in the motion list on 30-9-1997. On 16-4-1998 this Court directed the office to post the writ petition for final hearing along with the connected writ petition No.27989 of 1996.

Route No.4: S.K.B.R. College. Amalapitram to Mukkumala.

The total length of the route is about 17 kms out of which 14.5 kms are beyond Municipal limits. This route is also covered by writ petition No.27989 of 1996 and 21817 of 1997.

Route No.5: RTC Bus_Stand, Amalapwamto Pallcmikurni.

The total length of the route is 28.5 kms out of which 25.1 kms are beyond municipal limits. One Mr. G. Ramu of Amalapuram filed Writ Petition No.12762 of 1998 even without filing any application and obtained orders for grant of temporary permits in WPMP No.14533 of 1998 on 30-4-1998. Thereafter he filed application on 2-5-1998 seeking temporary permit. In compliance of the orders of this Court the respondents started issuing temporary permits from 5-5-1998.

Rome No. 6: Eadgrapally Bridge. Amalapuram to S. Yatiam._

The details of the route are not available from the information furnished by the respondents. Sri Satyanarayana Murthy, even without filing an application for grant of either pacca stage carriage permit or temporary permit, filed with petition No.22254 of 1997 and this Court seemed to have disposed of the said writ petition duly granting interim directions. But till this day he neither filed any application nor obtained temporary permit pursuant to the orders of this Court.

Route No.7: Extension of Mandapeta Bridge to Vemulapalli upto Rajanagaram.

One G. Krishna Murthy and R. Veera Raju filed writ petition No.25418 of 1996 by stating that they are existing operators of the town service route Mandapeta Bridge to Vemulapalli and they filed applications seeking variation of the route from Vemulapalli upto Rajanagaram junction and that the authorities are not considering their applications. This Court while admitting the writ petition on 28-11-1996 granted interim directions and since then the writ petition is pending on the file of this Court. They have not given the length of the route as well as the date on which they filed application. Mandapeta being a town and according

to the petitioners they are operating their buses from Mandapeta to Vemulapalli and they are seeking extension of the route by 9 kms more, indicates that the total length of the route would be more than 8 kms from the municipal limits.

55. Though time and again I directed the official respondents to furnish the entire material in their possession with regard to grant of stage carriage permits either pacca or temporary since 1994 onwards, they could not furnish the total information required by the Court, more so, correctly, though they have furnished the information in a tabular form in three sets of papers. With the result, to unearth the tactics adopted by these individuals in perpetuating this fraud, myself along with my Court Officer and two Court Masters had to work day and night for over a week in correlating the information furnished by the official respondent with the facts stated by these individuals in the affidavits filed in support of the writ petitions. In this process, we are forced to verify many a affidavit filed in support of the writ petitions that were disposed of by this Court to the extent possible. I have no manner of doubt that if an indepth study of the writ petitions is made, some more startling facts may come to the notice of the Court. In spite of the efforts made by us, it may not be a wonder if some mistakes have crept in the judgment. I have taken utmost care in collecting the facts to minimise the mistakes.

56. From the above narration of facts, it is seen in some of the writ petitions that the facts stated in the affidavits are different from the reliefs obtained from the Courts. The narration of facts in any of these affidavits is not straight and they are jumbled in such a manner that the other side cannot make head or tail of the case by reading that affidavit. Further, their modus operandi is, they file writ petitions and obtain orders from this Court without even filing applications as stated in their affidavits and in some cases they filed applications on the date on which the Court gave orders. In other words, they were obtaining orders in advance from this Court by stating facts which are not in existence and then started making arrangements to obtain permits on the basis of those orders. In some cases, though they obtained the orders of the Court years back, they did not file applications seeking grant of permits. Though the Secretary, RTA was issuing fresh permits after the expiry of the permits obtained by them, they were again filing writ petitions stating that the respondents are orally objecting the plying of the vehicles or that they are not issuing fresh permits after the expiry of the existing permits, so on and so forth and again obtaining orders from the Court for the same route while the orders passed by this Court in earlier writ petition are subsisting. Again they were filing single writ petition for number of routes and if the practice adopted by them is scrutinised carefully, different routes for which temporary permits were obtained under different orders of the High Court will be clubbed and new orders are being obtained, that is to say, if they file writ petition for three to four routes in one writ petition, they will not file the next writ petition for the same routes but they pick up different routes for which orders were obtained in different writ petitions and they club them and file separate writ petition. I have no manner of doubt that they resorted to this

practice only to see that if the High Court for any reason vacates the order in one writ petition they can ply the buses on the same route under the guise of a different order obtained from this Court and the petitioners herein were successful in plying a fleet of buses parallel to the buses run by the APSRTC to the nook and corner of the district for the last four years. Though in the end of the affidavits filed by them, they solemnly affirmed and signed stating that the facts contained in the affidavit are true, in no case the facts were correctly stated and the statements made by them in these affidavits are nothing but flagrant lies. Likewise, though they stated in the affidavit that they have not filed any writ petition or any proceedings before this Court or any other Court seeking the same relief, proved to be false. It is evident from the facts stated above that for the same route they were filing more than one writ petition and while the earlier writ petition is pending they filed second writ petition and obtained orders. It also came to light that the petitioners were obtaining permits much later to the orders of this Court and in some cases they have even obtained temporary permits one year after the issuance of the interim order by this Court and in some cases they have not even applied for temporary permits. The falsity of the statements was brought out clearly while adverting to the facts relating to each route and I hold that they made false statements on oath intentionally and knowing fully well that there is no truth in any of the statements made by them and by creating false evidence they obtained orders from this Court by misleading the Court.

57. Coming to the merits of the case, the petitioners are not having any semblance of case in their favour. They claimed that all the routes referred to above are town service routes and in fact under the orders of this Court they were paying the tax applicable to the town service. But by any stretch of imagination these routes cannot be treated as town service routes. As referred supra under Rule 258(2) of the Rules, no town service shall extend more than 8 kms and at least one terminus of the every town service shall lie within the limits of the municipality. If the route exceeds 8 kms beyond the municipal limits, then specific permission of the Transport Commissioner has to be obtained before the grant of such permits. While dealing with the events that have taken place with regard to each route I have also mentioned that the length of each and every route referred to above far exceeds the limits that were prescribed under the Rules to treat them as town service. Only to term the route as town service they selected one terminus in a particular town and except 2 or 3 kms, the entire route is beyond municipal limits. Without disclosing the length of the route, and when they filed the applications etc., they were simply getting orders from this Court and on the basis of the orders of this Court, they are plying the buses even though in none of the cases the Transport Commissioner has given specific permission to treat the route as town service. Further, to my mind the power was conferred on the Transport Commissioner to extend the route beyond 8 kms to see that no hardship is caused to the commuters and that too in exceptional cases when the route exceeds prescribed limits marginally. But in the instant

cases though the petitioners have shown one terminal in the municipal limits, they carved the route to the district borders. The Supreme Court in *A.P.S.R.T.C. Vs. State Transport Appellate Tribunal and Others*, , considered the scope and ambit of the powers of the Transport Commissioner under Rule 258(2) of the Motor Vehicles Rules and held:

"12. Turning to the second question, there is no doubt that Rule 258(2) does not specify or indicate the limits of the power of the Transport Commissioner but it is certainly erroneous to think that the power of the Transport Commissioner is unlimited. If that is so, the very purpose of the rule providing for a limit of 8 kms of extension beyond the limits of municipality or town will be defeated. The power of the Commissioner cannot be arbitrarily or indiscriminately exercised. According to learned Counsel for the appellant, the power is coupled with a duty.

18. Though we do not propose to fix any specific limit upto which the Transport Commissioner can extend the town service route, it must be pointed out that in no case the permission granted by the Transport Commissioner should have the effect of converting a town service route into a mofusil service route. In other words a mofusil service cannot be labelled as town service by virtue of the permission granted by the Transport Commissioner though in fact it would be a mofusil service. Apart from the above guidelines, the Transport Commissioner must also bear in mind that in the case of a route covered by a notified scheme grant of permits to any other person is barred except to the extent permitted by the scheme. The Transport Commissioner, should, therefore, take care not to convert an exception into a rule. He must bear in mind the provisions of Chapter VI of the Act and see that they are not made illusory by the permission for extension of town service granted by him.

20. In the result, we answer the second question in the negative and hold that the power of the Transport Commissioner to extend a town service route more than 8 kms beyond the limits of the municipality or town is to be exercised in an appropriate manner in accordance with the guidelines set out in para 18 above."

Again, their Lordships held:

"10. Bearing that in mind we have to construe Rule 258(2) in the light of Sections 98 to 100 and 104 of the Act. Section 98 provides that the provisions of Chapter VI and the rules and orders made thereunder shall have overriding effect against anything inconsistent in Chapter V or any other law for the time being in force. Section 99 deals with preparation and publication of proposals regarding road transport service of a State Transport Undertaking. Section 100 deals with publication of proposal and a notification of the scheme after consideration of the objections to the proposal. Section 104 as stated earlier, prohibits the grant of any permit except in accordance with the provisions of the scheme. Hence for the purpose of Rule 258(2), if there is a scheme in force with reference to the concerned route, the authority has to adhere to the terms of the scheme. If there is an absolute bar in the scheme against the grant of any permit for the

notified route or any portion of the route nothing further could be done. On the other hand if there is any exception provided in the scheme the applicant for a permit has to satisfy the authority concerned that he would fall within the scope of exception. When the scheme provides an exception for the holder of stage carriage permit in respect of town service any applicant for permit claiming the benefit thereof has to necessarily satisfy the Regional Transport Authority that the route for which the the permit is sought is a town service route. In order to establish the same the applicant for permit has to approach the Transport Commissioner in the first instance if the route for which permit is sought extends more than 8 kilometers beyond the limits of the municipality or town from which it starts. In such cases, it is only when the Transport Commissioner grants specific permission for extension of the route for more than 8 kms beyond the limits of the municipality or town, the Regional Transport Authority can consider the application for grant of permit and proceed to pass orders. It is only on the basis of the Transport Commissioner's permission the Regional Transport Authority can determine the town service routes. Hence our answer to the first question is that the permission of the Transport Commissioner contemplated in Rule 258(2) of the rules has to be obtained before an application for permit is filed for a route covered by a scheme notified under the Act."

Hence, even if the Transport Commissioner is having power to relax the limit of 8 kms, he should not convert the mofussil route into a town service under the guise of extension and convert an exception into a rule. Consequently, the power vested in him has to be exercised sparingly in appropriate cases in accordance with the guidelines but not arbitrarily or capriciously. From this it is evident that the applicants should first approach the Transport Commissioner in the first instance if the route is beyond 8 kms from the municipal limits or town from which it starts and if the Transport Commissioner grants specific permission for extension of the route for more than 8 kms beyond the limits of the municipality or town then only the RTA can consider the application for grant of permit and proceed to pass orders. I respectfully follow the above decision and hold in the circumstances of the cases that all the routes have to be treated as mofussil service routes but not as town service routes. In these cases the petitioners filed applications on their own though all the routes for which they applied are beyond 8 kms from the municipal limits without obtaining prior permission.

58. But in the instant cases, though the Tribunal granted permits subject to the specific permission of the Transport Commissioner, in no case orders were passed by the Transport Commissioner giving specific permission. However, under the guise of the orders of this Court the petitioners are merrily plying their vehicles for the last four years. In the light of the judgment of the Apex Court referred to above (*supra*), none of the applications filed by the petitioners for grant of stage carriage permits can be considered and all the writ petitions filed for grant of permits are liable to be dismissed.

59. During the course of arguments it came to light that the Motor Vehicles Act,

1988 underwent sweeping changes including Section 68(3c)(a) of the Act, which came into force with effect from 14-11-1994, to the effect that the Government has to formulate the routes for plying stage carriages. While the intention of the Parliament is that the Government should first formulate the routes for plying such stage carriages and then only call for applications, but, in the cases the petitioners did not seek for permission of Transport Commissioner on any of the routes as the Government neither formulated any route nor approved the route formulated by the petitioners. As the issue came to light during the course of arguments and none of the parties raised the contentions before any of the authorities or in this Court till now, I prefer to leave it open for a just and proper decision after hearing the arguments on both the sides in a properly drafted writ petition where the question is raised. I was given to understand that some writ petition wherein this issue was raised is pending for adjudication on the file of this Court. One more reason for keeping the issue open is that a learned Judge of the Kerala High Court, having referred to the provision, held in Quilon Dist. Private Bus Operators Association and Others Vs. State of Kerala and Others, , as hereunder:

"10A. On hearing Counsel the question for consideration in these petitions would be as to whether as submitted by the petitioners, the new permits could be considered by the authorities without any steps being taken by the Government in accordance with the provisions of Section 68(3)(ca) introduced and brought on the statement by the amendment Act 54 of 1994, or whether in accordance with the spirit of the Act as spelt out the authorities can proceed. The question also for consideration is as to what is the exact core and content of the provision brought on the book by reason of the amendment. The question is whether what is accepted to be done by the Government in formulating the routes would be law or would be in the nature of orders and directions."

Further, the statements and objects of the Amendment Act are not available immediately to find out the intention of the Legislature in reverting back to the old policy having liberalised the procedure for grant of permits under the new Act.

60. I have already referred to the writ petitions filed by these petitioners seeking a direction to collect the tax treating the routes as town service routes and obtained interim orders of this Court. In the light of the decision of the Supreme Court in *Putur Besara v. State of Bihar* (supra) the issue is no more *res integra*. Hence, the petitioners are liable to pay tax for the buses that plied on these routes as mofussil service routes. Accordingly, a direction is given to the respondents to collect tax at the rate applicable to mofussil routes for the period during which the buses were operated by the petitioners on these routes.

61. It also came to light that after the expiry of the temporary permits held by them, they went on plying the vehicles on the routes without obtaining fresh permits in spite of the orders of the Deputy Transport Commissioner in his urgent Memo No.31957/ 21/98, dated 7-10-1998 and ultimately some of the buses were seized by the authorities concerned in October, 1998 while the hearing in

this batch of writ petitions is going on. Hence, a direction is given to the respondents to collect the tax till 31-12-1998.

62. It is also noticed that single writ petition was filed for number of routes by paying single Court fee though one route has nothing to do with the other.

63. Accordingly, a direction is given to the office to collect Rs.100/- as Court fee for each "route in each of the writ petitions that are being disposed of. Till the Court fee is paid, the petitioners shall not be granted certified copy of the judgment.

64. During the hearing it also came to light that the petitioners stated that they are existing pacca stage carriage operators. In the light of the view I have taken, none of these routes can be considered as town service routes. How the pacca stage carriage permits were issued and the manner in which the authorities dealt with is not known. Accordingly, a direction is given to the Transport Commissioner to conduct an enquiry into this aspect and take appropriate action for cancellation of the permits if they are really holding pacca stage carriage permits as contended by them.

65. In the result, Writ Petition Nos.3313, 27989, 19783, 28293, 25418 of 1996, 21465, 21803, 10870, 21817, 25304, 24743 and 28243 of 1997 and writ petition No.12762 of 1998 are dismissed. It is needless to observe that the order obtained by Smt. Nagamani by way of a letter after disposal of Writ Petition No. 18517 of 1994, on 20-1-1995, by playing fraud on the Court is set at naught. Consequently, the writ petition Nos.22509 of 1996, 2529 of 1996 and 18341 of 1997 filed by the APSRTC questioning the orders of the STAT in granting permits subject to the permission of the Transport Commissioner, are allowed by setting aside the orders of the STAT.

66. Writ petition No. 17297 of 1993 was summoned by me when Sri Venkataratnam tried to attack the Counsel of Sri Dhananjaya Rao by filing an affidavit, to know the facts. Admittedly, the petitioner asked for a temporary permit for a period of four months and more so way back in 1993. Though he obtained the orders and piled the vehicle for four months, thereafter he did not file any application for extension or indulged in the tactics in which Sri Venkataratnam has perfected. As the period for which temporary permit was sought has expired longtime back, this writ petition has become infructuous. Accordingly, it is dismissed.

67. Similarly, writ petition No.28294 of 1996 has also become infructuous. Accordingly, it is dismissed.

68. In the light of the view taken by me that the route-New Railway Station, Rajahmundry to Sithanagaram is a mofussil route, the request of the petitioner in writ petition No.21163 of 1998 for grant of temporary permit cannot be considered. Accordingly, this writ petition is also dismissed.

69. From the facts stated above, the petitioners in this batch of writ petitions

have not only sworn to the false affidavits but also made use of them in judicial proceedings with a fraudulent intention to obtain permits to ply the vehicles for their enrichment and to the detriment of the interests of the APSRTC and the petitioners are liable to be prosecuted for perjury.

70. Sri Ch. Venkalamtnam has sworn to the affidavits in Writ Petition No.18517 of 1994, 18595 of 1994, 21803 of 1997, 25303 of 1997 and 12762 of 1998 either on his behalf or on behalf of others. Further, during the course of the arguments, he filed an affidavit on 13-10-1998 in writ petition No.21803 of 1997. A reading of the affidavit makes it abundantly clear that it is filed with an intention to malign Sri T. Venkataramana who was appearing for the petitioner in writ petition No.21163 of 1998 at whose instance the entire fraud has seen the light. It is interesting to note the averments made by him against Sri T. Venkataramana in paragraph 7 of his affidavit in writ petition No.21803 of 1997 and in paragraph 7 of his affidavit dated 20-9-1998 which are extracted hereunder:

"I submit that the allegation of Sri T. Venkalaramana who is an advocate, that I am threatening the officials of the department and was obtaining the temporary permits and creating havoc in the district and that I obtained more than 40 permits in the East Godavari itself, contrary to the approved schemes are utterly false, baseless and untenable. It is highly unbecoming and unethical on the part of the advocate Sri T. Venkata Ramana in making the said wild allegations against me across the bar without tiling any affidavit. Sri T. Venkata Ramana being an advocate tias no locus standi to make such allegations against me. Therefore, the allegations made by Sri T. Venkata Ramana have to be ignored by this Honourable Court...."

"I submit that it is very unfortunate that Sri T. Venkataramana advocate, my guru should indulge in mud slinging against me and my wife, by creating suspicions and making wild and uncharitable allegations against me and my wife. Significantly no written complaint is made by Sri T. Venkataramana because he knew that the said allegations do not stand the test of impartial scrutiny but chose to make oral allegations across the bar. I respectfully submit that he has no justification or moral right to accuse me or my wife to be guilty of imaginary acts of mission in instructing the advocates, if this Honourable Court analyses the following facts of the case in which Sri T. Venkataramana holds the vakalat and conducted the proceedings....."

71. The above conduct of the individual is nothing but attacking the officer of the Court, more so, in a judicial proceeding and the same amounts to contempt of Court. Instead of initiating contempt proceedings against him, I feel that the purpose will be served by giving liberty to Sri T. Venkataramana to take appropriate legal action, both civil and criminal including filing of a suit for defamation.

72. Sri Venkalaratnam has even gone to the extent of trying to provoke me and

get the cases posted elsewhere by adopting dubious means and brought Sri C. Ramachandra Raju, advocate, who is known for picking up quarrels with the Judges, into picture in two cases while retaining his old Counsel in all other cases. The proceedings of the Court, after Sri C. Ramachandra Raju, came into picture, are reflected in the docket orders. If he has no confidence in the Counsel or if he thinks that Sri C. Ramachandra Raju can argue the case better than Sri K.N. Jwala, he would have engaged him in all the cases. But while Sri K.N. Jwala represented in all other cases, Sri C. Ramachandra Raju is engaged only in two writ petitions.

73. Though all the petitioners appeared in the Court and Sri Ch. Venkataratnam is looking after their interests, it is found from the records that one K. V. Rawakrishna Rao also sworn to the affidavit. I find that it is not known who has given the affidavit. In all probability Sri Ch. Venkataratnam might have signed the affidavit in the light of the statement given by Sri Satyanarayana Murthy in the Court that Sri Ch. Venkataratnam is looking after their affairs.

74. Likewise, false affidavits were given by Ch.N.P.R. Kwnar in writ petition Nos. 10870 of 1997 and 24743 of 1997, SriC/j. Srinivas in Writ Petition No. 19783 of 1996, Sri K. Satyanarayana Murthy in writ petition No.3313 of 1996, Sri K. Ganga Raju in writ petition No.27989 of 1996 and 2)817 of 1997, Sri K, Rambahu in Writ Petition No.28294 of 1996, G Ramu in Writ Petition No.12762 of 1998. Some of the writ petitions referred here were already disposed of at the admission stage. As the averments made in these writ petitions are found to be false, they are also taken into consideration for issuing notice for perjury.

75. As the Courts are generally taking lenient view, it has almost become the order of the day for the unscrupulous litigants to swear to false affidavits and walking away with the orders in their favour thinking that they have successfully cheated the Courts. Unless the opinion that is allowed to grow in the minds of the litigant public is reversed, the sanctity attached to the judicial proceedings will be completely lost. Hence, I feel that it is expedient in the interests of justice that an enquiry should be made into the conduct of the petitioners for offences against public justice i.e., under Sections 193, 195, 196 and 200 IPC.

76. Accordingly, direction is given to the Registrar (Judicial) to draft a regular complaint by going through the judgment, the affidavits filed in support of the writ petitions referred to in the judgment and other relevant papers and forward the same to the concerned Magistrate to register the crime and take action as per law. Before forwarding the complaint to the Magistrate, the Registrar (Judicial) may circulate the draft to me to see whether the complaint is properly drafted or not.

77. The Government Pleader for Transport is directed to furnish to the Registrar (Judicial) the relevant applications of the petitioners filed before the RTA for grant of permits and also the orders of the RTA thereon duly attested by him and the Registrar (Judicial) shall keep the same in a sealed cover in his personal

custody.

78. If possible, the Registrar (Judicial) shall send the xerox copies of these documents along with the complaint to the concerned Magistrate. If the Registrar (Judicial) cannot avoid sending the originals, before sending the originals he may retain the xerox copies in his personal custody for verification as and when required.

79. The affidavits filed in support of the writ petitions referred to in this judgment and the apology letter given by Sri Ch. Venkataratnam, dated 15-10-1998, along with the papers to be submitted by the Government Pleader as directed above shall be kept in a scaled cover in the personal custody of the Registrar (Judicial). The docket orders from 7-8-1998 shall also be kept with Registrar (J).

80. As referred supra, by order dated 20-8-1998, I directed the Secretary, RTA not to issue any temporary permits and Sri CkN.P.R. Kumar is a party to the order passed by this Court. In fact his father was physically present in the Court on that day. But at the time of pronouncing the judgment, the Government Pleader brought to my notice that the two sons of Sri Ch. Venkataratnam i.e., Sri Ch. Srinivas and Sri Ch.N.P.R. Kwnar filed applications seeking grant of temporary permits on the route RTC Complex, Amalapuram to Tillakuppa on 12-1-1998 and 4-5-1998 and both the applications were rejected by the Secretary, RTA in his proceedings No.Ro583/A 1/98, dated 26-9-1998. But Sri Kumar, knowing fully well the orders of the Court and the orders of the Secretary, RTA, filed writ petition No.27294 of 1998 on the file of this Court contending that his application dated 12-1-1998 for grant of two temporary permits to ply on the route Eedarapally Bridge to Tillakuppa were not disposed of and sought for permission to issue temporary permits to ply his two buses. This Court disposed of the writ petition by order dated 7-10-1998 observing that the "petitioners shall file valid records within a period of six weeks from the date of receipt of a copy of this order before the respondents and on filing such records, the respondents shall issue temporary permits to the petitioner. However, it is made clear that if the petitioner fails to submit that valid records within the time stipulated, the permits granted by the respondents shall stand cancelled without notice". By that time, the fraud played by these individuals was under consideration of this Court and the petitioner Sri Ch.N.P.R. Kumar has the audacity to file the writ petition and obtain orders. This shows the respect they have for the administration of justice and the Courts, Even at this stage, they are under the impression that they can successfully mislead the Court and walk away with an order in their favour. This attitude on the part of the individuals should be curbed to save the exploitation of this institution by the unscrupulous litigants.

81. Before parting with the case T would like to go on record that all the authorities concerned, wittingly or unwittingly, fell prey in the well-laid trap by Sri Ch. Venkataratnam and his associates which resulted in financial loss to the exchequer to a large extent. I feel that out of the three pillars on which the

democratic form of Government functions, judiciary being well informed wing of the State, its duty is not only to adjudicate the lis between the parties but also to suggest remedial measures for the successful functioning of the democracy which may ultimately lead to the establishment of an egalitarian society and the suggestions given by the Court may or may not be implemented by the bureaucracy immediately. At least if the suggestions are there, as and when well meaning people occupy the position, they will definitely take up the thread and may do something tangible. With the fond hope that the governmental agencies will bestow their attention to the views expressed by the Court, I intend to give the following directions:

(1) Secretary, Regional Transport Authority :

It came to light that even after the Court has undertaken this painful exercise with a view to prevent such practice in future, the office of the RTA miserably failed in furnishing the required information though by order dated 7-8-1998 directed to produce the required information in tabular form and the files relating to grant of pacca stage carriage permits and temporary stage carriage permits to the private operators from 1994 and the arguments went on for two weeks in October, 1998. Even then the information furnished at times is found to be incorrect. With the result, the Court was forced to look into the disposed case bundles also to know the methodology adopted by the petitioners in perpetuating the fraud for over four years.

82. The situation may be remedied if the following steps are taken by the Secretary, RTA.

(a) The Secretary, RTA has to issue a receipt evidencing the receipt of the application.

(b) As and when applications for grant of either pacca stage carriage permits or temporary stage carriage permits are filed, they should be sorted out route-wise for consideration either by the RTA or by the RTO and a file for each route is maintained so that they can know of things as and when required without any difficulty.

(c) As far applications for grant of pacca stage carriage permits are concerned, the authorities never bothered to comply with the mandatory provisions contained in Rule 132 of the A.P. Motor Vehicles Rules, 1989 i.e., had the RTA met once in two months as contemplated under this Rule it would have been able to dispose of the applications without any difficulty. But for years together the RTA did not meet. Though I called for the information about the pending applications for the entire State, I could get the information only with regard to East Godavari district. As per the information furnished by the respondents, the applications for grant of pacca stage carriage permit are pending since 1994 and as on today 455 applications are pending consideration by the RTA. The applications for grant of temporary permits are pending from 1995 and till date 299 applications are pending consideration. In fact, at least on two occasions I

suggested that if it is not possible for the District Collector to spare time to preside over the meeting of RTA the authorities should consider nominating a higher officer of the Transport Department as Chairman of the RTA in place of the District Collector for speedy transaction of the business. But the suggestion fell to the deaf ear. At least the authorities should bestow their attention on the suggestion made by the Court in the light of the facts that came to light.

83. As far as applications for grant of temporary permits are concerned, the powers of RTA were delegated to the Secretary, RTA i.e., the Regional Transport Officer or the Deputy Transport Commissioner as the case may be, under Rule 143(xi) and these applications can be disposed of in no time by the Secretary, RTA. But the Deputy Transport Commissioner who is the Secretary of RTA in East Godavari district submitted in the open Court that they were considering applications of those individuals who obtained orders from the High Court. This attitude of the officials has been fully exploited by the petitioners. At least they failed to bring to the notice of the High Court, when they obtained orders even without filing applications which ultimately resulted in perpetuating the fraud.

84. While considering the applications for grant of pacca stage carriage permits or temporary stage carriage permits, a notice to the parties as contemplated in Section 80(2) of the Act is not being complied with. Hence, the Secretary, RTA shall give notice to the concerned applicant as well as the APSRTC as grant of any permit shall not contravene the approved scheme u/s 104 of the Act. The result of the consideration of the applications has to be notified on the notice board of the Secretary and also communicate the order to the applicant by registered post with acknowledgment due as required under Rule 163 of the Rules.

85. By doing so, the authorities can pre-empt the unscrupulous litigants from swearing to false affidavits as witnessed in this case.

86. For instance, in writ petition No.18517 of 1994 filed by Smt. Nagamani on the route New Godavari Railway Station to Sithanagaram and Ladies Hospital to Konikonda, though the order was despatched on 11-1-1995, the petitioner filed an appeal before the STAT on 16-5-1995 by stating that she received the copy of the order only on 13-5-1995.

87. The Secretary, RTA shall dispose of the applications for grant of temporary permits in one month from the date of receipt of the application.

88. The Secretary, RTA should also send a copy of the proceedings of the RTA or of himself in case of temporary permits, to the Government Pleader's office so that as and when writ petitions are filed they can immediately bring it to the notice of the Court about the action taken by the RTA.

A.P.S.R.T.C.

In this batch of cases, I have seen that the APSRTC could take prompt action in some cases by filing vacate stay petitions or questioning the orders of the lower

authorities at the earliest possible time. In some cases, they did not move in the matter for years together. The explanation offered by the Counsel for the APSRTC is that they were not made parties to the proceedings and hence they were not aware of the orders passed by the High Court. I feel the explanation offered by him cannot be accepted for the simple reason that immediately after obtaining the temporary permit the applicant will be operating his bus on the route and the field Staff of APSRTC can immediately bring to the notice of the higher authorities about the plying of the vehicles so that they can get the necessary information from the office of the RTA and take necessary action to see that the revenues of the APSRTC are not depleted.

89. Further it is a known fact that three officers of the APSRTC, claiming to be the liaison officers, will be moving in the corridors of the High Court. They can either watch the proceedings of the Court or at the end of the day they can approach the Government Pleader's office to find out whether any writ petitions are filed seeking stage carriage permits and pass on the information to their Counsel as well as the officer concerned to take appropriate action.

90. The Regional Manager can also collect a copy of the proceedings of the RTA I or RTO and communicate the same to their Counsel as well as to the legal department of the APSRTC with necessary information to take prompt action.

91. Even if these precautionary steps are taken it cannot be ruled out that the unscrupulous litigant may try to obtain orders by keeping the authorities in dark. The moment the officers of the APSRTC come to know of the plying of the buses, they should approach the Counsel and see that steps are taken to get the interim orders vacated by the High Court.

High Court:

Under Rule 258(2) of the A.P. Motor Vehicles Rules, for a town service one terminus shall be within the municipal limits and the length of the route shall not generally exceed 8 kms beyond the municipal limits. If the length of the route exceeds 8 kms, specific permission of the Transport Commissioner is needed. Likewise, as and when applications are filed seeking grant of stage carriage permits, a reasonable time should be allowed to the authorities for consideration of the applications. A look at the affidavits filed in this batch of writ petitions would reveal that except stating that it is a town service route they did not give the length of the route so that the High Court can come to a decision prima facie whether the route is a town service or not.

92. Likewise, in few cases they have stated that they filed applications on some dates but on verification it is found that they did not file applications on that date as contended by them. On the other hand, in most of the cases they filed the applications after obtaining the orders or filing them simultaneously without giving any time to the other side to find out the truth or otherwise of the statements made by them. They have also not filed the copies of the applications said to have been filed seeking grant of stage carriage permits.

93. They were also not impleading the APSRTC as party respondent with the result the Court is passing orders without insisting for necessary particulars.

94. I think keeping the experience that came to light, the Court should insist for the above particulars before the cases are numbered i.e., the petitioner has to state:

1. The length of the route beyond municipal limits;
2. The date on which the petitioner filed the application;
3. Proof of filing of the application and a copy of the application;
4. APSRTC should be impleaded as party respondent.

95. By insisting for the compliance of these requirements, the mischief can be minimised to a large extent.

96. Most of the writ petitions are being disposed of at the admission stage. If some time is given to the other side by keeping the writ petition pending for admission, the truth would have come to the notice of the Court and most of the writ petitions would have been dismissed.

97. From the events stated supra, Sri Ch. Venkatarainam and his associates resorted to obtaining orders one after the other for the same route by furnishing false information to the Court by stating that in spite of the directions of the Court the respondents have not considered the application, so on and so forth. As and when the petitioner filed a letter "for being mentioned" or a miscellaneous petition in a disposed of writ petition or fresh writ petition complaining that the orders of this Court were not implemented, it is safe for the Courts to give notice to the other side to find out the truth, more so when the petitioners resorted to such methods without filing a contempt case for violation of the orders of the Court.

98. Likewise, it also came to light that some of the writ petitions were disposed of by giving directions to the respondents to consider the applications filed by the petitioner. Subsequently on the basis of letters filed by the petitioners the cases were listed "for being mentioned" and positive orders were issued for grant of temporary permits. As the cases were already disposed of, the writ petitions will not be kept in the pending files and they will be sent to the Records Section. Once the bundle is taken out of the pending files, it is very difficult to trace the same in the Registry. Exactly that is what has happened in these cases. The Government Pleader filed a letter on 18-10-1995 in writ petition No.18517 of 1994 wherein orders were given on 20-1-1995 after disposal of the writ petition on 11-10-1994 and it is the case of the Government Pleader that in spite of his best efforts the file could not be traced in the Registry. In fact the file could be traced only after I started hearing the writ petitions. Till then the whereabouts of the file are not known. In my view, when once the writ petition is disposed of, the course open to the petitioner is to file an application either to seek review of the

order passed or to reopen the hearing, but certainly no letter can be filed to post the case "for being mentioned".

100. The Registrar (Judicial) is directed to place a copy of the judgment before the Hon"ble Chief Justice for taking remedial measures at least to sec that the High Court may not fall prey to the fraudulent actions of the unscrupulous litigants.

101. In the last, I place my appreciation on record for the assistance rendered by my Court Officer Sri M.V. Quraishi and Court Master Sri N. Mwalidhar Rao by staying with me till mid-night and gathering information by scrutinising the papers meticulously and in rendering the judgment in record time.