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**(2011) 02 P&H CK 0012**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 2188 of 2009**

Keharwala Balaji Cooperative Transport Society Ltd. and others APPELLANT

Vs

State Transport Appellate Tribunal, Haryana, Hisar and others RESPONDENT

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**Date of Decision :** 02-02-2011

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 80, 80(3)

**Citation :** (2011) 3 RCR(Civil) 30

**Hon'ble Judges :** Ranjit Singh, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Ranjit Singh, J.—The petitioners are the Cooperative Transport Societies providing transport facility to travelling public. The petitioners were granted permit on Karamshala to Keharwala route. In the year 1995, on an application filed by the petitioners, the route was extended upto Masita from Keharwala, which is at a distance of 24 K.Ms. This order was passed in terms of Section 80(3) of the Motor Vehicles Act (for short, "the Act"). After this extension, the route of the petitioners became Karamshala to Masita. As per the petitioners, on a public demand, they submitted an application for further extension of the route from Masita to Dabwali. This was granted on 13.10.1995 in case of petitioner No. 1 and for petitioner No.2 w.e.f. 16.1.1997. They are operating on this route since then.

2. On 22.5.2002, the petitioners were served a notice, asking them to explain as to why the extension of route from Masita to Dabwali be not cancelled. The petitioners challenged the same by filing writ petition before this Court but the same was dismissed as withdrawn so as to appear before State Transport Authority. The State Transport Authority discharged the notice without making any change in the extension of route as granted. Respondent Nos. 4 to 6 then filed revision before the State Appellate Tribunal. Prior thereto, they had also

filed a representation before respondent No. 2. The Transport Appellate Tribunal disposed of the revision petition directing respondent No.2 to decide the representation filed by respondent Nos. 4 to 6. On 2.4.2008, the order has been reviewed and the extension as granted has been cancelled. The revision filed by the petitioner against the same has been dismissed. They have accordingly filed the present writ petition.

3. The submission is that once the route was extended, the extended route would become new route u/s 80(3) and subsequent extension, thus, would again be allowed, the earlier route with extension being a new route permit. For this reason, the plea that extension can not be granted beyond 24 K.Ms would not be attracted.

4. Counsel for the respondents, however, has pointed out to a Division Bench judgement passed by this Court in *Guru Govind Transport Society Ltd. v. State of Haryana and others*, (C. W.P. No. 3328 of 2007), decided on 30.10.2007, where this issue has been considered and stands adjudicated against the petitioners. The Division Bench of this Court in *Guru Govind Transport Society Ltd. (supra)* has relied upon another Division Bench judgement of Kerala High Court in *Kunihikrishaan Nair v. R.T.O., Malappuram*, 1991(2) KLT 266. The relevant observations made by Kerala High Court in this regard are as under;-

The argument of the learned counsel for the appellant is that in the case of piece meal extensions, as in the present case, the limit of twenty four kilometres applies to each of the extensions, and not to all the extensions taken together. We are not able to agree. In the new Act several of the restrictions which had been imposed by the predecessor Act of 1938 have been removed, and the grant of permit has been liberalized. Nevertheless certain restrictions have been retained, one such being the restriction wise in the case of variation of extension. It must be taken that legislature deliberately retained this restriction in enacting the new Act. The distance covered by extension shall not exceed twenty four kilometers from the termini. If the contention of the appellant is accepted, it may not be difficult for an existing operator to seek quite a large number of extensions, keeping care to see that each extension is within the limit of twenty four kilometers, and thus run on a route which is totally different from the route for which original permit has been granted. Such cannot be the legislative intention. A careful examination of the language used in the second proviso to sub section (3) of S. 80 with reference to "extension", will only support this view. The law cannot be that by subterfuge an existing operator is able to obtain extension for a considerably long route in-spite of the restriction deliberately imposed by the Act. It is true, as rightly pointed out by the learned counsel for the appellant, that the grant of permit has been considerably liberalised under S. 80. But the fact that the legislature retained the provision regarding distance limitation for extension must be attached due significance. If the retention of the provision in the Act has any significance, it must be understood and interpreted in such a manner that the total extension cannot exceed twenty four kilometers.

The Tribunal, and the learned Single Judge, were right in taking the view against the appellant.

In view of the said decision, no occasion would arise to consider the submissions made by the petitioners once over again. The issue being fully covered by the above noted decision need not be re-considered further.

5. The writ petition is accordingly dismissed.