
(1975) 11 KAR CK 0007
In the Karnataka High Court
Case No : Writ Petition No. 918 of 1974

K.N. Kama Setty	Vs	APPELLANT
The Karnataka State Transport Appellate Tribunal and Others		RESPONDENT

Date of Decision : 10-11-1975

Acts Referred:

Motor Vehicles Act, 1939 — Section 47

Citation : AIR 1976 Kar 17 : (1976) ILR (Kar) 456 : (1976) 1 KarLJ 21

Hon'ble Judges : K. Jagannatha Shetty, J

Bench : Single Bench

Advocate : M.R. Venkatanarasimhachar, for the Appellant; S. Ananda Shetty, for C.S. Shanthamallappa, A.K. Lakshmeshwar and M. Rangaswami, for the Respondent

Judgement

1. The petitioner was granted a stage carriage Permit on the route Somasettihalli to Madhugiri. Several objectors in the appeals before the Karnataka State Transport Appellate Tribunal challenged the grant. The Tribunal found that there are no direct Passengers from Somasettihalli to Madhugiri and held that the Regional Transport Authority had no jurisdiction to grant the permit. The Tribunal has not considered the other contentions urged for and on behalf of the grant. The correctness of the view taken by the Tribunal on the necessity of direct passengers from Somasettihalli to Madhugiri as a condition precedent for the grant of permit is the only question that has been debated, before me in this writ petition.

2. The question, if I may put it in other words, is whether the R. T. A. could grant a permit when it is satisfied that the grant would; serve the needs of the travelling public at the intermediate places though there are no direct passengers from the two termini of the route. The observation made by this Court in G. T. Venkataswamy Reddy v. K. V. Puttanarasimharaju (AIR 1966 Mys 341) was relied upon by the Tribunal in support of its conclusion. The particular observation made in the said judgment is found at para. 12 at Page 343 and is as follows:-

"The contention that the R. T. O., Tumkur, within whose jurisdiction only 18 miles of the route lie was not the proper authority to hold the traffic survey or to report about the need. Has no substance. The Tribunal came to the conclusion that large number of persons go as Pilgrims, to Tirupathi from Kunigal and the surrounding areas. In reaching that conclusion. it relied on the report of the R. T. O. and the S. P. The R. T. O. and the S. P.. Tumkur were well qualified to find out whether there was any need for a stage carriage service for taking Pilgrims from Fungal to Tirupathi. What those authorities had to investigate was as to the probable number of pilgrims daily travelling from Fungal to Tirupathi and back and not the passengers that may be available at other point on the route."

3. From the above observations, it cannot be stated that this Court had intended to lay down as a proposition of law that the R. T. A. has no jurisdiction to grant permit if there are no direct passengers from the starting point of a route to its terminus.

4. We have got on the other hand two decisions of this Court in which it has been clearly laid down that even though there are no direct Passengers. the grant could be made if there is evidence to indicate that the sectors need is served by granting the permit. See R. N. Jayanna v. The Mysore State Transport Appellate Tribunal. (W. P. No. 282 of 1972 disposed of on 27-11-1973) (Knt) and D. Gurulingappa v. The Mysore State Transport Appellate Tribunal. Bangalore. (W. P. No. 1,666/73 disposed of on 5-2-1975).

5. Section 47 of the Motor Vehicles Act Provides that the R. T. A. in considering the application for stage carriage Permit shall consider the interests of the public generally and the benefit to any particular locality or localities likely to be afforded, by the service, etc. What follows from these Provisions is that if by the grant of permit, the need of the travelling Public at intermediate Places could be met. The R. T. A. may grant the Permit although there is no direct traffic between the two termini. The existence of direct traffic is not a necessary requisite for the grant of stage carriage permit.

6. In the result. The rule is made absolute. The order of the Tribunal is quashed and the matter shall stand remitted to the Tribunal for reconsideration of the appeals in accordance with law and in the light of the observations made above. The Tribunal shall reconsider the matter within two months from the date of the receipt of this order.

7. No costs.

8. Petition allowed.