

(1973) 11 RAJ CK 0010

In the Rajasthan High Court

Case No : Civil Writ Petitions No's. 881, 925, 926, 1443, 1447, 1500 and 1501 of 1973

Kripal Singh and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-11-1973

Acts Referred:

Constitution of India, 1950 — Article 226
General Clauses Act, 1897 — Section 14

Citation : (1973) 6 WLN 906

Hon'ble Judges : M.L. Joshi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.L. Joshi, J.—By these seven writ petitions under Article 226 of the Constitution of India, the validity of the various draft schemes for nationalisation of Motor Transport Service u/s 68C of the Motor Vehicles Act (hereinafter called the M.V Act) has been challenged by the operators of the affected routes on various grounds, I had issued a notice to the respondents to show cause why the petitions be not admitted and in answer to that, Dr. L.M. Singhvi, learned Advocate General, Mr. M D. Purohit, learned Deputy Government Advocate and Mr. R.N. Munshi, appeared for the respondents.

2. Civil Writ Petition Nos. 881 of 1973 (S. Kripalsingh v. State of Rajasthan) and 1447 of 1973 (Messrs Gram Transport Service v. State of Rajasthan) pertain to the draft scheme relating to Jaipur Pilani route; Civil Writ Petitions Nos 825 of 1973 (Messrs Green Bus Service Private Limited v. State of Rajasthan) and 1448 of 1973 (Rajasthan Transport Corporation v. State of Rajasthan) relate to the proposed scheme u/s 68-C of the M.V Act with regard to the Udaipur-Ratanpur route. Civil Writ Petition No. 926 of 1973 (Vasudev v. State of Rajasthan) relate to Jaipur Beawar route and Civil Writ Petitions No. 1500 of 1973 (Shankerlal v. State of Raj) and 1501 of 1173 (Rajasthan Motors v. State and Ors.) pertain to

the draft scheme in respect to Udaipur Beawar route which according to the petitioner is not a route in existence

3. The draft schemes u/s 68-C of the M.V. Act were got published by the General Manager Rajasthan State Transport Corporation (hereinafter called the Corporation) for nationalising the above mentioned routes. Objections were filed by the existing/affected operators challenging the proposed schemes on various grounds. The Deputy Legal Remembrancer to the Government of Rajasthan was appointed to dispose of the objections. During the course of the hearing of the objections, preliminary objections touching the validity of the proposed schemes were raised before the Deputy Legal Remembrancer who rejected the same and set the cases in regard to the above schemes for the evidence of the objectors on merits. Being dissatisfied, each of the petitioners in the concerned cases has prayed for the quashing of the draft scheme; for a writ of prohibition restraining the Deputy Legal Remembrancer from passing any order u/s 68-D of the M.V. Act and other consequential reliefs in that behalf.

4. As many common questions for law arise in all the writ petitions, it shall be convenient to dispose of them by a common judgment.

5. I shall first deal with the common questions which arise in all the writ petitions. Mr. M. Natesan addressed me on the common questions involved in all the above writ petitions on behalf of the petitioners. The first contention of the learned Counsel for the petitioners is that the State Road Transport Corporation (hereinafter called the Corporation) having been superseded, there is no State Undertaking to continue proceedings under Chapter IVA of the Motor Vehicles Act. It was argued that the Corporation alone could continue proceedings and the Administrator looking after the affairs of the Corporation was not statutorily competent to discharge the functions of the Corporation of the State undertaking. It may be stated at once that the answer to this contention is completely covered by the Division Bench Authority of the Court in D.B. Civil Special Appeal No. 128 of 1973 (Kulwant Rai v. State of Rajasthan and Ors.) decided on September 26, 1973. In the above mentioned Division Bench decision, it has been laid down that the Administrator who looks after the affairs of the Corporation is competent to discharge the functions of the Corporation and is therefore competent to continue the proceedings under Chapter IVA of the Motor Vehicles Act.

6. The next important point which was urged before me was that at any rate there was no legally constituted authority under the Corporation Act to continue proceedings under Chapter IVA of the Motor Vehicles Act after 20-5-1973 when the extended period of supersession expired. It was pointed out that the Corporation was superseded on 20-5-1973 for a period of six months, which period was upto 19-5-1973. It was, therefore, argued that in view of the provisions contained in Section 38(3) of the Corporation Act, the period of supersession could be extended only once & no further a supersession was permissible under that section. The basis of the argument is that Section 38(3)

of the Corporation Act does not provide for extension of supersession period from time to time. It was urged that the words "such further time" occurring in Section 33(3) of the Corporation Act relates to and is governed by the antecedent period specified in notification issued u/s 38(1) of the Corporation Act, Learned Counsel argued that power of extension u/s 38(3) was circumscribed by the original supersession period as the expression such further term follows the period of supersession and does not follow the period of extension and, therefore, the further such term governs the supersession period only. According to the learned Counsel for the petitioner, had the legislature invested the Government with the power of extension for more than once, nothing could have prevented it from specifically saying so in the Corporation Act. It was further urged that looking to the scheme and the object of the Act, the proper interpretation should be that the Government was competent to extend the period of supersession only once. In this connection the learned Advocate placed reliance upon *Gopal Jairam v. State of Madhya Pradesh* AIR 1951 Nag 181. The learned Advocate General, however, contested the stand taken up by the counsel for the petitioner and urged that the Government was competent to extend the period of supersession from time to time as the exigencies of the situation and the occasion required and there was no fetter on invoking the power for extending the period of supersession more than once. The answer to the question raised before me depends on the correct interpretation of Section 38 and more specially Section 38(3) of the Corporation Act. It will be profitable to reproduce Section 38 to have a proper understanding of the question involved before me.

38. Power to supersede a Corporation:

(1) If the State Government is of opinion that a Corporation established by that Government is unable to perform, or has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or has exceeded or abused its powers, the State Government may, with the previous approval of the Central Government, by notification in the official Gazette, supersede the Corporation for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section the State Government shall give a reasonable time to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon a publication of a notification under Sub-section (1) superseding a Corporation

(a) all the members of the Corporation shall, as from the date of supersession, vacate their offices as such members:

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law, be excised or performed by or on behalf the Corporation shall,

during the period of supersession, be exercised and performed by such person or persons as the State Government may direct;

(c) all property vested in the Corporation shall, during the period of supersession, vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under Sub-section (1), the State Government may--

(a) extend the period of supersession for such further term as it may consider necessary or

(b) reconstitute the Corporation in the manner provided in Section 5.

It is to be noticed that no maximum period has been prescribed u/s 38 of the Corporation Act for which the extension could be made. Nor there is any express restriction against the extension of term of supersession. On the contrary, Section 14 of the General Clauses Act provides that there by any Central Act or Regulation made after the commencement of this Act any power is conferred then unless different intention appears that power may be exercised from time to time as occasion requires. It is not disputed that the power to extend the period of supersession has been conferred u/s 38(3) of the Corporation Act. The question therefore, requires to be considered is whether any different intention can be spelt out from Section 38 of the Corporation Act. Mr. M. Natesan's contention is that such further terms govern the antecedent period specified in notification under Sub-section (1) of Section 38 of the Corporation Act and the power to extend the period of supersession once exercised shall stand exhausted;

7. Having given my earnest consideration to this argument. I am unable to agree with it. The words "such further term" is sub-joined to the words "as it may consider necessary". The word "as it may consider necessary" appearing in Section 38(3) of the Corporation Act are very significant and embody the spirit of Section 14 of the General Clauses Act. The maximum period of extension having not been prescribed in Sub-section (3) of Section 38 coupled with the fact that the discretion has been left with the Government to extend the period as it may consider necessary clearly indicates that the Government is competent to exercise the power of extension on as many occasions as the exigencies of situation and occasion require. The power of extension cannot be limited as Mr. M. Natesan seeks to restrict, The exigencies of situation cannot be predicted and that is why it appears that the Government has been empowered to extend the period of supersession from time to time to meet the situation. It is to be remembered the under our democratic Constitution the Government's action is under the check of legislature and also subject to judicial review. It is ordinarily expected from it that the power would be exercised only to meet the exigencies of the situation. The argument that if the Government is taken to have unrestricted power of extension it may exercise its power of extension at its choice and extend the period of of supersession ad infinitum and frustrate the very object of the Act, has no substance in it. If this contention were to be

accepted the words " as it may consider necessary" will be rendered redundant & superfluous. It is to be borne in mind that the legislature does not waste words and as far as possible every word has to be given effect to while interpreting the provisions of the Act. Mr. M. Natesan was specifically asked as to what was the purpose in making use of the words as it may consider necessary" in Section 38(3) of the Corporation Act but no convincing reply could be given by him on the point excepting that the Government could extend the period lesser than the one specified in notification issued u/s 38(1) of the Corporation Act. This explanation does not appear to be in accord with the intention conveyed by the word "as it may consider necessary." In my view, therefore, the Government is competent to extend the period of supersession more than once unless it is established that the power is being exercised malafide. This view of mine finds support from the decisions of the Supreme Court reported in National Sewing Thread Co. Ltd. Vs. James Chadwick and Bros. Ltd. (J. and P. Coats Ltd., Assignee), , Vasantlal Maganbhai Sanjanwala Vs. The State of Bombay and Others,

8. In National Sewing Thread Co. Ltd. Vs. James Chadwick and Bros. Ltd. (J. and P. Coats Ltd., Assignee), it has been observed that it is a well known rule of construction that when a power is conferred by certain statutes that power may be exercised from time to time when the occasion arises unless a contrary intention appears. In Vasantlal Maganbhai Sanjanwala Vs. The State of Bombay and Others, , the question raised before the Supreme Court was that under the Bombay Tenancy Act, power to issue notification could be only exercised once and it was exhausted once the power was exercised. This contention was rejected by the Supreme Court as fallacious in the light of the provisions of Section 14 of the General Clauses Act. It was observed in that case that while the legislature did not use the words from time to time in Section 6(2) of the Bombay Tenancy Act although had used such terms in Section 8(1) of the same Act it will not mean that the power was exhausted. Under the provisions of section 14 of the General Clauses Act, the power could be exercised from time to time as occasion required as there was no intention to the contrary in the provisions of Section 6(2) of the Bombay Tenancy Act. Similar view was taken in a Bench decision reported in Dhanji v. Kalyanji (4). In that case it was held that the power to grant time is conferred by Section 8 Berar Regulation of Agricultural Leases Act, 1951, and that power is not exhausted when time is granted once. The power can be exercised over and over again if the exigency of the occasion requires. The same observations hold good in the present case also as there is no intention to the contrary which could be spelt out from Section 38(1) of the Corporation Act. Gopal Jairam v. State of Madhya Pradesh AIR 1951 Nag 181 is not on the point and cannot be of any assistance to the learned Counsel for the petitioner.

9. Another contention of the learned Counsel for the petitioner was that the Corporation being a creature of statute, its powers are limited to what are expressly granted u/s 19(1)(a)(b) of the Corporation Act. It was argued that the

Act does not empower the Corporation to function as a State Transport undertaking as envisaged under Chapter IVA of the Motor Vehicles Act. Having given my due consideration, I am of the view that the contention has no merit in it. Section 19(1)(a) and (b) of the Corporation Act are quite comprehensive and it cannot be said that the Corporation acts beyond its own constitution or beyond the powers conferred upon it by the statute under which it is incorporated.

10. The next contention of the learned Counsel for the petitioner was that Shri Ramraj Lal Deputy Legal Remembrancer is a biased man and is not competent to discharge the quasi-judicial functions in regard to the approval or modification of the draft scheme sponsored u/s 68C of the Motor Vehicles Act. In this connection my attention was invited to the D.O. letter No. FA/Adn/68 dated 8th June, 1973 of Shri Mangal Behari, the Administrator of the Corporation and the observations of Shri Ramraj Lal to the effect that the Government had asked him to take up the matter and finalisation of the draft schemes by holding hearing from day to day. I have looked to the letter in question which is marked Ex p/20 in writ petition No. 1447 of 1973. It is quite innocuous one and does not show any pressure of the Government on the Deputy Legal Remembrancer in discharge of his quasi judicial functions. All that has been said in the letter is that Shri Ramraj Lal who is dealing with all the nationalisation schemes and conducting hearing on day to day basis should not be allowed to be transferred till the end of financial year at least as change of the incumbent of this post at that stage would involve at least four months' delay in the process of finalisation of the scheme. It was further said in the letter that the new incumbent may be required to resume hearing *denovo*. This D.O. letter was addressed by Shri Mangal Behari to the Commissioner for Home Affairs Government of Rajasthan. This does not at all reflect in any manner the pressure of the Government on Shri Ramraj Lal in regard to discharge of his quasi-judicial functions. Indeed Ramraj Lal has filed affidavit in S.B. Civil writ petition No. 1448 of 1973 (Rajasthan Transport Corporation v. State of Rajasthan) wherein he has refuted the charge of bias levelled against him and has categorically stated that no pressure was being exerted upon him by the Government in discharge of his judicial functions As regards Shri Ramraj Lal's observations that the Government had asked him to take the hearing day to day has no real significance to establish his bias in the matters before him. It is to be remembered that Shri Ramraj Lal has been entrusted with the work of finalisation of the draft schemes only and naturally it is expected of him to hold day to day hearing in discharge of his quasi judicial functions. No valid exception, therefore, can be taken against the conduct of the Government even if it had asked Shri Ramraj Lal to hold day to day hearing in the matter of finalisation of the schemes for nationalisation before him.

11. Another contention in support of the argument of bias of Shri Ramraj Lal was that he had participated in the meetings held in connection with the preparation of draft schemes by the Administrator and the Executive Authorities of the Government. No particulars have been furnished by any of the petitioners in this regard and there is no justification whatsoever to draw inference in the absence

of any sound materials in this behalf. I, therefore, see no substance, in the contention also and the same, therefore deserves to be rejected.

12. Next it was argued on behalf of the petitioners that the provisions of determination of compensation under the Motor Vehicles Act are more onerous and disadvantageous in comparison to the provisions contained in the Corporation Act and the Government has been left with unfettered discretion to adopt a course under any of the two Acts at its sweet will without being controlled by any guide lines in that regard. On this basis it was urged that there is every likelihood of discriminatory treatment in the master of award of compensation and on that account also validity of the schemes was open to challenge. In this connection reference was made to Section 40 of the Corporation Act and Section 68-H of the M.V. Act. I have perused both the provisions They deal with different matters Section 40 of the Corporation Act deals with the acquisition of the whole or part of any undertaking providing with transport services. u/s 40 of the Corporation Act, the property is acquired. That is not the case u/s 68 H of the M.V. Act. Section 68-H of the M.V Act deals with the payment of compensation for modification or cancellation of the permit of a person providing with the transport services. The above referred to sections therefore deal with different situation and the persons effected thereunder cannot be said to be situated in the like manner, There can be no question of violation of the principles of equality before law in the matter of granting compensation.

13. The last argument on the common question of law was the attack against the validity of Rules 2(b), 2(c), 2(d), 3, 4, 5, 6, 6(1), 6(2), 6(4), 6(6), 8, 8(a) and 8(b) & Rule 9(1), and 10(1) (a) of the Raj. State Road Transport Services (Development) Rules 1956 The attack against the Rule was broadly based on the ground that the aforesaid Rules are repugnant to Section 68-D and 68-F, 68 I and Section 134 of the Motor Vehicles Act. I have carefully gone through the aforesaid provisions. The validity of the Rules can only be challenged on the ground of their inconsistency with the statute or constitution. It is true that the Rules made in pursuance of the statutory powers must not go beyond nor be repugnant to the enactment under which they are made. The learned Counsel for the petitioner could not convince me as to how the impugned Rules are inconsistent with the statute under which they are made. It was faintly suggested that the Rule 6 fetters the powers of the quasi judicial body dealing with finalisation of the draft schemes, as the authority could only approve or modify the scheme but not reject it if it so desired This argument has no substance. Indeed the term "approval" of draft scheme involves its rejection also I am, therefore, inclined to hold that the Rules are not ultra vires of the provisions of Chapter IVA or Section 134 and are valid.

14. This takes me to the consideration of additional grounds raised in regard to Udaipur-Beswar route. Argument on additional grounds were addressed by Mr R.R Vyas. The dispute relating to Udaipur-Beswar is involved in S.B Civil writ

petition No. 1600 of 1973, and S.B. Civil writ petition No. 1601 of 1973. The attack on the validity of the draft scheme in regard to this route is that the scheme u/s 68-C of the M.V. Act could only be in regard to a route which is in existence and could not be in regard to a route which is not an existing one. Support to this contention sought from the words "route or area" occurring in Section 68-C of the M.V. Act. It is argued that the area and route have been defined under Sections (1) and 2 (28A) respectively of the M.V. Act and if Section 68-C of the M.V. Act is interpreted in the light of definition, the inference according to the learned Counsel for the petitioner, is irresistible that the scheme could be only for a route in existence or for an area specified by the Government under a notification. Having given my careful consideration to this argument I am of the view that this contention has no force. Even prior to the Amending Act No. 56 of 1969 (which came into effect on 2-3-1970) by which the definition of area and route were amended, the terms route and area found place in Section 68 C of the Motor Vehicles Act and, therefore, it can be reasonably inferred that the term "route" was not used in Section 68-G of the M.V. Act as per the amended definition. In the words of Wanchco J.,?

It is well settled that all statutory definitions or abbreviations must be read subject to the qualification variously expressed in the definition clause which created them and it may be that even where the definition is exhaustive inasmuch as the word defined is said to mean a certain thing, it is possible for the word to have a somewhat different meaning in different sections of the Act depending upon the subject or context. That is why all the definitions in the statutes generally begin with the qualifying words similar to the words used in the present case, namely, unless there is anything repugnant in the subject or context.

(Vide V.F. & G. Insurance Co. V. M/s Fraser & Ross,--A.I. R 1960 S.C 1971)

In the Motor Vehicles Act also the definition clause runs with the qualifying words "unless there is anything repugnant in the subject or context". There may be sections in the Act where the meaning may have to be departed on account of the subject or context in which the words have been used and will be giving effect to the opening sentence in the definition section, namely, unless there is anything repugnant in the subject or context. The Court has therefore, to look to the context, the collocation and object of such words and interpret the meaning intended to be conveyed by the use of the words under the circumstances. The object of insertion of Chapter IVA in the M.V. Act was to facilitate the introduction or expansion of nationalisation of transport service & to encourage the grant of monopoly permits to the State Transport Undertaking & to cover other ancillary matters. Having regard to the object of the Act and the scheme of Section 68-C of the M.V. Act there is no justification for taking a restricted meaning of the term route or area occurring in Section 68-C of the M.V. Act. Mr. Vyas further sought assistance from Section 68 F(1-A) to support his argument that the scheme for nationalisation would relate to the area or route as contemplated by the

definition clause of the Motor Vehicles Act. I do not see relevance of Section 68-F(1-A) on this point. Section 68-C of the M.V. Act is not subject to Section 68-F(1-A) but stands independently of it. Section 68-F(1-A) therefore cannot control the scope of Section 68-C of the Motor Vehicles Act. I may now deal with the cases which support the view which I have taken. In *Kondala Rao v. Andh. Pra. S.R.T. Corporation* AIR 1961 SC 82 it has been held that "under Section 68-C of the Act the scheme may be framed in respect of any area or a route. There is no inconsistency between an area and a route." The scheme therefore may as well be prepared for a new route also. Similar view has been taken in *Bengal Border Transport (Private) Ltd. Vs. Chairman, Regional Transport Authority and Another*, . Reference may in this connection be also made to *Shri Roshanlal Gautam Vs. State of Uttar Pradesh and Others*, . In this case it has been observed that no doubt distinction between area and route has been made in some of the sections of the Motor Vehicles Act but in others that distinction does not seem to be preserved. These two words some times stand for the route on which the omnibus runs or portion thereof. The argument therefore, that the route or area must be one as defined by amended Section 2(1) or 2 (28) of the M.V. Act is not tenable.

Jaipur-Pilani Scheme.

15. Then remains objections to the validity of the scheme for nationalisation in regard to Jaipur-Pilani route. Three-fold attack has been led against this scheme. Firstly, it was contended that the Administrator did not form the necessary opinion as required by Section 68-C of the M.V. Act in respect of this route. It was urged by the learned Counsel for the petitioner that the scheme proposed and sent for the approval was one in regard to Jaipur-Sikar Jhunjhunu Chirawa-Pilani and Loharu while the actual scheme published was in regard to Jaipur-Pilani route only. Putting in different way the argument is that the scheme that was published in the Gazette is different from the one submitted for the approval of the Administrator. It was urged that the Deputy General Manager put up a proposal for nationalising Jaipur-Sikar Jhunjhunu Chirawa-Pilani-Loharu route only for the approval of the Administrator and the actual scheme which was published related to Jaipur-Pilani which was never approved by the Administrator. According to the learned Counsel, in these circumstances the scheme in regard to Jaipur-Pilani route stood vitiated on account of not applying the mind by the Administrator in terms of Section 68-C of the M.V. Act. The State on the contrary has contested the stand taken by the petitioner on this score and has submitted two documents, namely, R/2 and R/3 to satisfy the court that the Administrator had formed the necessary opinion in terms of Section 68-C of the M.V. Act before publishing the same in the Gazette. I have perused both these documents. It is true that initially the Traffic Department of the Corporation submitted its proposal for nationalisation of Jaipur-Sikar-Jhunjhunu Chirawa-Pilani-Loharu route. This proposal was submitted by the Deputy General Manager to the General Manager. The General Manager on his part after examining the proposal contained in paras 13/N to 20/N gave his remarks in para 22/N and submitted the whole case to the

Administrator for his opinion and decision. Thereupon the Administrator directed for the publication of the aforesaid draft scheme. He, however, added that he would like to see the draft of the notification before its publication. Thereafter it so happened that the draft scheme came to be processed in the office of the Corporation and in that connection the same was sent to the legal Advisor remarked vide para 25/N dated 18-8-1972 that the Corporation was not competent to prepare scheme in regard to inter-statal route without taking the necessary sanction u/s 20 of the Road Transport Corporation Act. It appears that the matter then was again discussed in the chamber of the Administrator of the Corporation on 16-8-1972 and the Administrator agreed to the suggestions of the Legal Advisor and the proposal to publish a scheme of Jaipur-Loharu was amended and in its place the scheme in regard to Jaipur-Pilani route was accepted. It was thereafter that the scheme for Jaipur-Pilani route was prepared and was duly vetted by the legal Advisor who vide para 29/N of Ex.R.1 observed that he had vetted the scheme of Jaipur-Pilani route. The Deputy General Manager then vide his note contained in para 30/N remarked that the schemes including Jaipur-Pilani have been vetted by Legal Advisor as they have been included in the draft scheme. This noting was put before the Administrator for his approval who after examining the whole case in relating to the impugned route accorded his approval vide para 31/N. From Ex. R/1 and R/3, it appears that the draft scheme in question was also enclosed with the file and was put up before the Administrator. An appendix marked A containing names of the various routes was also enclosed in the file and the Administrator ticked those routes in respect of which the draft scheme were published and put his initials against those routes in token of his acceptance and approval. The impugned route is also one of them which has been ticked by the Administrator. Mr. Vyas strenuously urged that the appendix A is subsequently invented and is spurious one. I have seen the original appendix. There is no reason to disbelieve this document in absence of any substantial proof merely on account of the suspicion entertained by the learned Counsel for the petitioner. It has been stated by the Corporation in its reply that the scheme was again brought to the notice of the Administrator before sending it for its publication in the Gazette. There is no justification for disbelieving this part of the version. Looking to the over all facts and circumstances I am, therefore, clearly of opinion that the Administrator had formed the necessary opinion for preparing a draft scheme in regard to Jaipur-Pilani route. The contention of the learned Counsel for the petitioner, therefore, has no force.

16. The second ground of attack advanced by the learned Counsel for the petitioner was that the draft scheme in regard to Jaipur-Pilani route covered the portion of the inter-statal route in existence, namely, the Jaipur-Loharu route and the approval of the Central Government was not taken u/s 68-J of the M.V. Act, the whole scheme stood vitiated in law. It is true that the Jaipur-Pilani route covers to a greater extent the Jaipur-Loharu an inter-statal route. The question, however, for determination is whether on this account the impugned scheme stands vitiated. It may be pointed out that the inter-statal route is one in which

one of the termini is in one State and the other in another State Both the termini of the Jaipur-Pilani are admittedly in Rajasthan. Even if the route under scheme overlap inter state route which continued beyond the State it does not make the scheme one related to inter statal route. This contention has also therefore no force so far as the present case is concerned. I am fortified in this view of mine by three Supreme Court decisions reported in State of Mysore v. K.N. Chandrashekhara AIR 1965 SC 533, D.M. Thippeswamy Vs. The Mysore Appellate Tribunal, Bangalore and Others, and S. Abdul Khader Saheb Vs. The Mysore Revenue Appellate Tribunal, Bangalore and Others, .

17. The last ground of attack was that no scheme for a sector can be lawfully prepared u/s 68-C of the M.V. Act. It was urged that the draft scheme Ex P 14 in civil writ petition No. 1447 of 1973 related to the sector and not to route. According to the learned Counsel the word "sector" signifies area and, therefore, the proposed scheme was for an area The draft scheme for area, urged the learned Counsel, could not be prepared without a prior specification of the area by the State Government in the official Gazette. In this connection the learned Counsel again drew my pointed attention to the amended definition of area contained in Section 2(1) of the M. V Act. This contention in my opinion has no force. As pointed out earlier the meaning of the term area has to be assigned in the context in which it is used. Even the Supreme Court has recognised that the distinction between area or route has not been preserved in Chapter IV-A of the Act The particulars of the routes in respect of which the draft scheme was proposed are contained in Ex. P-15 and the concerned parties have even filed objections. No valid exception, therefore, can be taken against the impugned draft scheme on this score.

18. No other point was urged before me.

19. In the result, the petitions are dismissed summarily. There shall be no order as to costs.