
(1987) 02 SC CK 0078

In the Supreme Court Of India

Case No : (Arising out of SLP (C) No. 4453/86)

K.T. Dharanendrah

APPELLANT

Vs

Regional Transport Authority and Others

RESPONDENT

Date of Decision : 17-02-1987

Acts Referred:

Motor Vehicles Act, 1939 — Section 68C, 68D, 68F(1C)

Citation : AIR 1987 SC 1324 : (1987) 1 JT 526 : (1987) SCC 76 Supp : (1987) 1 SCC 76 Supp

Hon'ble Judges : K. N. Singh, J; E. S. Venkataramiah, J

Bench : Division Bench

Advocate : S.S. Javali and R. Ramachandran, for the Appellant; K.R. Nagaraja and R.S. Hegde, for the Respondent

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. The appellant was an applicant for a temporary permit to ply a stage carriage on the route Chitradurga to Davanagere and back u/s 68(F)(IC) of the Motor Vehicles Act hereinafter referred to as the 'Act'. It is not necessary to set out the entire history of this case. When the matter came to the High Court, the Division Bench of the High Court set aside the orders passed by the learned single Judge of the High Court and of the Tribunal and remanded the case to the Regional Transport Authority to consider the question whether there was any need for additional services on the route in question. The necessity for applying u/s 68(F)(IC) arose on account of a scheme published u/s 68C of the Act by the State Transport Undertaking of the State of Karnataka in the year 1979 in respect of the said route. When this matter came before us, we called upon the State Transport Undertaking to show cause why the draft scheme should not be quashed on account of the inordinate delay in not publishing the approved scheme u/s 68D of the Act. Admittedly, the scheme has not yet been approved u/s 68D of the Act. No satisfactory explanation has been given by the State

Transport Undertaking for not finalizing the scheme till now as contemplated by law. We, therefore, following the decision of this Court in Shri Chand Vs. Government of U.P., Lucknow and Others, and Phool Chand Gupta Vs. Regional Transport Authority, Ujjain and Others, quash the draft-scheme. We however, make it clear that the State Transport Undertaking or any other person who has obtained permits u/s 68F(1A) or Section 68F(IC) as the case may, be as consequence of the publication of the draft scheme referred to above may continue to operate their services until the expiry of 31-8-1987 provided they are plying their service today. We, however, reserve liberty to the State Transport Undertaking either to initiate a fresh scheme u/s 68C of the Act or to proceed with any other draft scheme which had already been published in respect of the route in question. Since we have quashed the scheme, the question of considering the application u/s 68F(IC) as a consequence of the publication of the draft scheme which is quashed by this order does not arise.

3. The appeal is disposed of accordingly.