

(1986) 01 RAJ CK 0051

In the Rajasthan High Court

Case No : Civil Writ Petition No's. 998 and 2002 of 1982

Mani Ram Banwarilal and Others

APPELLANT

Vs

State Transport Appellate Tribunal and Others

RESPONDENT

Date of Decision : 16-01-1986

Acts Referred:

Motor Vehicles Act, 1939 — Section 49, 50, 64A

Citation : AIR 1987 Raj 73 : (1986) RLW 135 : (1986) 1 WLN 16

Hon'ble Judges : Ashok Kumar Mathur, J

Bench : Single Bench

Advocate : R.R. Vyas and B.L. Maheshwari, for the Appellant;

Final Decision : Allowed

Judgement

Ashok Kumar Mathur, J.—In both the writ petitions identical questions of law and facts are involved, therefore they are disposed of by this common order.

2. For the sake of convenience the facts of S. B. Civil Writ Petition No. 998 of 1982 are taken into consideration. The petitioner is existing operator of Hanumangarh Sirsa Inter-State route holding one non-temporary stage carriage permit in the joint name of Mani Ram and Banwarilal. At present they are plying their vehicle from Hanumangarh to Surowala because the State of Haryana curtailed the route lying in the Haryana State. The R.T.A. Bikaner in its meeting held on 3rd Feb., 1981 granted contract carriage permits one each in favour of non-petitioners Nos. 3 to 11 with regard to Haryana to Fatehpur via Satipura Dholia etc. without notifying the same in the Rajpatra so as to afford the opportunity for filing objections. Aggrieved against this grant the petitioners filed the revision petition before the State Appellate Tribunal u/s 64-A of the Motor Vehicles Act along with the application for condonation of delay for filing the revision petition in time. The State Transport Appellate Tribunal after hearing both the parties came to the conclusion that in view of the case of Bhupendrasingh Vs. R.T.A. and Others, the petitioner has no locus standi and has no right to oppose the grant of contract carriage permit. The State Transport

Appellate Tribunal held that since the petitioner is stage carriage permit-holder therefore he is not entitled to challenge the grant of contract carriage permits and as such the revision petition was dismissed. Aggrieved against this the petitioner has filed the present writ petition.

3. Section 49 of the Motor Vehicles Act deals with for inviting application for grant of contract carriage permit and Section 50 of the Act lays down the procedure. According to Section 50 of the Act only the persons holding contract carriage permit in the region or by any local authority or police authority of the region alone can file representations against such grant. In the case of *Bhupendra Singh v. R.T.A.* (supra) it was held that the petitioner had no locus standi to challenge the contract carriage permit granted to the other sides in view of Section 50 of the Act. But I am afraid from this it cannot be inferred that the remedy of revision can be denied to any person. Section 64-A of the Act is not circumscribed by Section 50 that only the persons who can file representation u/s 50 of the Act alone can file revision petition. This will amount to narrowing down the scope of revision and leaving the aggrieved persons without remedy. Section 64-A provides "a revisional remedy and the Hon'ble Supreme Court had an occasion to deal with the scope of Section 64-A and it has been observed in *Lakshmi Narain Agarwal Vs. State Transport Authority, U.P. and Another*, as under:

"Section 64-A is very wide in terms; the only condition necessary for filing a revision is that it should be against an order made by the Regional Transport Authority and against which no appeal lies"

Thus, in view of the wide scope of revisional jurisdiction any order which has been passed by the R.T.A. is revisable at the instance of aggrieved party. Apart from this the revisional authority on its own motion can also call for the record and enquire if situation so warranted. The question arises is that who is an aggrieved person. The only rider for the person who invokes the revisional jurisdiction u/s 64A is that the person should be aggrieved. It is not the case that anybody can file revision against the order. The word aggrieved has a very wide connotation and the authority if satisfied that the person is aggrieved then they can certainly entertain the revision against the order passed by the R.T.A. But it cannot be said that since u/s 50 only three persons can file representations, therefore they alone can file revision. If any person aggrieved by such grant is aggrieved person then he invokes the revisional jurisdiction u/s 64A. Now coming to the present case in hand, it cannot be said that the person is not aggrieved person. In the present case the contract carriage permit has been granted in favour of the respondents which overlaps the route of the petitioners also. Thus, the petitioner has subsisting interest in the matter and he is not stranger. Since the grant of contract carriage is bound to affect the operation of their vehicle on this route, thus in my opinion to say that they have no locus standi is not correct.

4. Thus, in the result I allow the writ petition and set aside the order Exbt.P/2 dt. 2nd Nov., 1981 and remand the case back to the S.T.A.T. to decide the matter in

the light of observations made above. So far as question of limitation is concerned, it is for the State Transport Appellate Tribunal to consider whether the delay in filing the revision should be condoned or not.

5. For the reasons mentioned, I allow Writ Petition No. 1940 of 1982 and set aside the order Exbt. 3 dt. 26th Aug., 1982 and remand the case back to the S.T.A.T. to decide the matter in the light of observations made above. No order as to costs.