
(1986) 02 KAR CK 0004
In the Karnataka High Court
Case No : W.P. No. 3466 of 1986

Mohammed Basheerulla Khan

APPELLANT

Vs

The R.T.A., Tumkur and Another

RESPONDENT

Date of Decision : 28-02-1986

Acts Referred:

Motor Vehicles Act, 1939 — Section 60

Citation : (1987) 2 KarLJ 142

Hon'ble Judges : M. P. Chandrakantharaj Urs, J

Judgement

Chandrakantharaj Urs, J.-Petitioner is a Stage Carriage Operator. He is charged for having violated 98 times the conditions of stage carriage permit. Three of those violations came to be considered by R.T.A., Tumkur at its meeting held on 31-10-1985. In Subject No. 98/82-83 the violations were that the petitioner carried 30 adult passengers from Davangere Davangere to Bangalore without permit, that the Driver failed to produce, R.C., F.C., I.C., D.I. for verification. The cumulative effect of two earlier charges and the last mentioned one was the cancellation of permit No. 3/82-83. On appeal to the Transport Appellate Tribunal what was pleaded by the petitioner was that there was some error in isolating the three offences and taking them up when the Tribunal had earlier remanded for consideration all the 98 charges and that in any event the petitioner was prepared to compound the offences on any reasonable terms decided by the Tribunal. In that circumstance, the Tribunal decided to levy Rs. 1,000/-, Rs. 2,000/- and Rs. 3,000/- as compounding fee in respect of each of the three said offences. He was asked to pay a total sum of Rs. 6,000/-, to which the petitioner was agreeable. However, in the operative portion of the order, the Tribunal has reserved liberty to the RTA, Tumkur, to proceed against the petitioner in respect of 95 remaining violations, which the RTA did not consider an account of the cancellation made.

2. Sri R.N. Narasimha Murthy, learned Senior Counsel appearing for the petitioner has stated that liberty need not have been reserved by the Tribunal as nobody asked for such a liberty being reserved. It may be so. But the fact is that

once on one of the three violations the permit came to be cancelled, there was no further need to look into the violations that were remaining. Now, that the three violations have been compounded. It will be open to the RTA to look into them or overlook them even if liberty had not been reserved specifically by the Tribunal. I do not think that RTA's jurisdiction to adjudicate those 95 violations would have disappeared merely because the appeal came to be allowed. I do not find any jurisdictional error in the Tribunal's order. This petition is therefore dismissed.

Writ Petition dismissed at the stage of preliminary hearing itself.