
(1992) 08 DEL CK 0007

In the Delhi High Court

Case No : Civil Writ Appeal No. 2415 of 1992

M.R. Kohli and Others

APPELLANT

Vs

State Transport Authority and Another

RESPONDENT

Date of Decision : 31-08-1992

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1992) 24 DRJ 612

Hon'ble Judges : R.L. Gupta, J;P.N. Nag, J

Bench : Division Bench

Advocate : H.N. Salve, Suman Bagga and A. Ahlawat, for the Appellant;

Judgement

P.N. Nag, J.

(1) In pursuance to a Brochure issued by State Transport Authority for the grant of stage carriage permits ,the petitioner applied for grant of such permits. According to the Brochure an individual shall not be granted more than five permits. The State Transport Authority on 29th May, 1992 conducted draw of lot for grant of permits and the petitioner in the draw of lots succeeded in getting two more than two permits. Petitioners have also alleged that after grant of permits, most of the petitioner have made investment in purchasing specified model of buses for operating on the route. Since, however, according to the petitioner, they are not being issued permits in accordance with the draw of lots, they have filed this writ petition.

(2) The stand taken by the respondent in the counter-affidavit is that applications were invited for allotment of 3,000 Stage Carriage Permits to the parties. In all, 10,347 applications were received. After scrutiny, 9635 applications were found eligible by the STA. Since the number of eligible applicants was more than 3 times the number of permits available, necessarily the only way by which the persons to whom 3000 permits could be granted to of eligible applicants without giving any scope for bias or favoritism, was by draw of

lots amongst equals in front of public and all the eligible applicants. No doubt an individual is entitled to a maximum of 5 permits but it is not that he must be given the number of permits he has applied for. After draw of lots was conducted, it was decided to give one permit to one individual only as the number of applicants was much more than the permits to be given. Some of the applicants were getting more than one permit whereas others were getting none. Therefore, as a matter of policy by a resolution of Sta dated 26.06.92 (Annexure R-1) it was decided to give one permit to one individual.

(3) Mr. Salve, learned counsel for the petitioners has vehemently argued that once Brochure is issued by Sta, draw of lot has been concluded the result of the draw of lot has been published, the grant of permits also stand finalised and granted. . Further more, once the permits are granted, Sta has no power to change the policy for the grant of permits to more than one, as only ministerial act remains to be performed. We are afraid, this argument is not acceptable for the reasons that after the draw of lots, letter of intent about the result of draw has to be communicated to the persons who have been declared successful in the draw of lots and other requirements after draw of lots have also to be complied with. Unless, after complying with such requirements in accordance with law the permits are actually issued and communicated to the petitioner, the permits cannot be considered to have been granted.

(4) Mr. Salve, learned counsel for the petitioners next invited attention of the court to the Brochure wherein it has been provided that the permits will be granted among the eligible applicants by a draw of lot When the number of eligible applicants exceed the number of permits. He, Therefore, argues that the permits have not been granted in terms of the result of draw of lots. We, however, have noticed another condition provided in the Brochure that Sta reserves the right to adopt any procedure for grant of permits as it deems fit. As already noticed the Sta has already formulated a policy according to which one .individual can be granted only one permit. This policy is not only in accordance with the terms of the Brochure but there is also no legal impediment in the way of Sta to formulate such a policy for the grant of permits. Even otherwise the policy formulated by the Sta is equitable and just and cannot be questioned.

(5) It is next contented that the petitioners have made investments in purchasing specified models, of buses for operating on the routes after draw of lots and it will be highly inequitable if at this stage they are denied permit. The stand of the respondents is that it is only after issued of letter of intent that the applicants are asked to purchase the vehicle and not earlier. In such circumstances, in case any expenditure has been incurred by the petitioners that has been done at their own risk and responsibility and that cannot be attributed to the respondents and cannot be a ground for grant of permits.

(6) As we have already held that with the draw of lots, the permits automatically do not stand granted and that Sta has formulated a policy to give benefit to

maximum number of persons. The policy is in accordance with the principle of "live and let live". The writ jurisdiction being discretionary no interference is called for. petition stands disposed of.