

(1982) 01 KAR CK 0016
In the Karnataka High Court
Case No : W.P. 8232/79

Narayan A.H.

APPELLANT

Vs

K.S.T.A.T. and Others

RESPONDENT

Date of Decision : 19-01-1982

Acts Referred:

Motor Vehicles Act, 1939 — Section 47

Citation : (1982) 1 KarLJ 471

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

Judgement

1. This petition is disposed of by the following order after hearing the counsel for the parties, at the stage of preliminary hearing.

2. Petitioner, a stage carriage operator on the route Nagamangala to Krishnarajasagar, is aggrieved by the order of the Karnataka State Transport Appellate Tribunal in Appeal No. 318 of 1978 passed on 7th March, 1979. By the said order, the 1st respondent-Tribunal set aside the resolution of the R.T.A. rejecting the third respondent's application for extension of his route Mandya Madeshwara Hills to Nagamangala. The Tribunal further granted the extension prayed, for by the 3rd respondent who was the appellant in the appeal aforementioned.

3. The facts are not in dispute. Variation sought for by the 3rd respondent on his route was that his termini be extended from Mandya to Nagamangala which was considered by the R.T.A., Mysore in subject No. 38 of 1977-78 at its meeting held on 23-12-1977. The only reason given for rejecting the application of the 3rd respondent for extension was that the route between Nagamangala and Mandya was overcrowded and that the same was endorsed by the report of the Mandya R.T.A. Aggrieved by that order, the 3rd respondent filed the appeal before the Tribunal. The Tribunal in its short and precise order has set aside the R.T.A.'s resolution concerning the 3rd respondent's application on the ground that what is required to be considered is the need of the service from Nagamangala to Madeshwara Hills and not the need of the extension of service between

Nagamangala and Mandya. That approach is correct. When a stage carriage owner wants to extend one of his termini, then the route assumes altogether a different character inasmuch as it is meant for the needs of the people living in and around one of the termini who want to reach the other termini without a break of journey. This view of the Tribunal is commendable and the Tribunal was justified in setting aside the bare finding of the R.T.A., Mysore, unsupported by any detailed discussion of the evidence on record that the route was over crowded.

4. The consideration of the material on record is evidenced by the discussion in paragraph-7 of the order of the Tribunal. The representation of the Town Municipal Council, Nagamangala, representation from the people of Nagamangala and the representation of more than one village Panchayat were all taken note of to decide the need of the people of that area to reach Madeshwara Hills, a pilgrimage centre, without breaking their journey either at T. Narasipura of Kollegal, which they were hitherto doing.

5. Mr. Ananda Shetty, learned counsel appearing for the petitioner was not able to point out any legal infirmity in the judgment of the Tribunal which calls for interference by this Court under Art. 226 of the Constitution of India. It must be remembered that it is the R.T.A. and the Appellate Tribunal who have all the material before them to consider the needs or the lack of them. If either of them have, come to one conclusion, it is the Appellate Authority's finding of fact which will prevail in this Court. If it is found that there is need, this Court will not disturb that finding of fact.

In the result, this writ petition is dismissed without rule being issued. But, in the circumstances of the case, the parties to bear their own costs.