

(1999) 09 AHC CK 0017

In the Allahabad High Court

Case No : C.M.W.P. No"s. 33733, 33739 and 33740 of 1999

Om Prakash Sharma

APPELLANT

Vs

Regional Transport Authority, Aligarh and others

RESPONDENT

Date of Decision : 13-09-1999

Acts Referred:

Constitution of India, 1950 — Article 226
Motor Vehicles Act, 1988 — Section 71, 72

Citation : AIR 2000 All 160 : (1999) 4 AWC 3236 : (1999) AWC 3236

Hon'ble Judges : Onkareshwar Bhatt, J;A.A. Desai, J

Bench : Division Bench

Advocate : L.P. Nathani and A.D. Saundars, for the Appellant; A.R. Dubey and Kripa Shankar Singh, S.C., for the Respondent

Judgement

A. A. Desai and Onkareshwar Bhatt, JJ.—Heard Sri L. P. Nathani, learned Senior Advocate, and Sri A. D. Saunders, learned counsel for the petitioners and Sri A. R. Dubey, learned counsel, and Sri Kripa Shanker Singh, learned standing counsel, for the respondents.

2. The learned counsel for the parties agree that in these three writ petitions, facts and circumstances are identical. We, therefore, propose to dispose of all the three writ petitions together.

3. The petitioners are operators of different routes. They had objections for grant of permit to any other vehicle. They, therefore, filed writ petitions in this Court. This Court on 31.3.1999 disposed of the petitions with liberty to the petitioners to make appropriate representations to the respondent who will decide the same within a month by a speaking order in accordance with law before the grant of any fresh permit. The petitioners thereafter on 9.8.1999 filed the instant petitions principally making a complaint that the authorities have not decided their objections/ representations as per the directions of this Court and summarily rejected the same without assigning any reason by an order dated 8.6.1999. Having regard to the grievances, as represented, we issued a show

cause notice to the concerned Regional Transport Authority as to why the action for contempt should not be taken against him. Pursuant thereof, the Regional Transport Authority appeared in person before us.

4. It is pointed out by the Government Pleader that after the order of this Court on 31.3.1999, the petitioners have not presented or filed any representation/objection before the authority immediately. On the contrary, it is seen from the record of the petitions that on 28.4.99 the petitioners through a communication only submitted a copy of order dated 31.3.99. However, at the stage, they have not filed any objection against the grant of fresh permit. Another communication was sent on 18.5.1999. This communication also refers to the judgment of this Court. Even at the stage, they have not filed any objection, as permitted by this Court. Thereafter on 8.6.1999 they filed objections. However, in this objection, there is no reference of passing of the judgment by this Court on 31.3.1999. The same was rejected by the impugned order dated 8.6.1999.

5. We repeatedly asked the learned counsel appearing for the petitioners that if the grievances were substantial, why objections in the form of representations were not filed immediately after 31.3.1999. The only explanation which has been put forth before us is that the Regional Transport Authority had convened meeting on 8.6.1999 and, therefore, the objections were filed on that date. This is not only unsatisfactory but wholly without any justification. This Court, as discussed, directed the authority, to decide the objections/ representations within a period of one month of the date of its receipt. As such, the date of meeting or convening of meeting has no relevance. Even otherwise, the petitioners were not concerned with it.

6. The conduct of the petitioners by merely referring the judgment of this Court in two representations dated 28.4.1999 and 18.5.1999 without filing objections lacks good faith. Moreover, malice and mala fide intention are writ large. With the order of this Court, it is apparent to us that, they were more keen to play mischief with the authority. In any manner, they were not attempting the remedy for redressal of the grievances, but for the collateral purposes.

7. In view of this, the grievance of the petitioners that objections were rejected summarily without giving reasons cannot be entertained. The writ petitions are liable to be dismissed.

8. The writ petitions are dismissed with exemplary costs of Rs. 5,000 (Rupees five thousand only) each, which shall be deposited by the petitioners within a period of 15 days. In case of failure, the Regional Transport Authority, Aligarh, shall recover the same as tax dues from the petitioners and shall deposit the same in this Court.

9. Having regard to the conduct of the petitioners, as discussed, that they have misused the process of justice, we direct the Regional Transport Authority concerned to suspend their licences for a period of three months.