

(1989) 12 KAR CK 0005
In the Karnataka High Court
Case No : Writ Petition No. 22072 of 1989

P.N. Narasimha Murthy

APPELLANT

Vs

Regional Transport Officer

RESPONDENT

Date of Decision : 07-12-1989

Acts Referred:

Motor Vehicles Act, 1988 — Section 12
Motor Vehicles Rules, 1989 — Rule 24

Citation : (1990) ILR (Kar) 1710 : (1990) 1 KarLJ 143

Hon'ble Judges : Chandrakantaraj Urs, J

Bench : Single Bench

Advocate : P.S. Manjunath, for the Appellant;

Final Decision : Dismissed

Judgement

Chandrakantaraj Urs, J.—Petitioner is a resident of Tumkur and the owner of Bhagyalakshmi Motor Service. He claims that he is interested in ensuring that the first respondent-Regional Transport Officer satisfies himself as to the merits of the second-respondent the applicant for starting a driving school under the Indian Motor Vehicles Act and therefore, he has approached this Court for a direction that the first respondent may be restrained from granting the said driving school licence to the second respondent inter alia on the ground that he has placed sufficient material before the first respondent which would disentitle the second respondent from getting the necessary licence to start a driving school.

2. The Licensing and Regulation of schools or establishments for imparting instruction in driving of motor vehicles is controlled by Section 12 of the Motor Vehicles Act, 1988. Rule 24 of the Central Motor Vehicles Rules, 1989 provides for the Licensing Authority to have regard to the applicant and staff working under him who are of good character and are qualified to give driving instructions, the premises where the school is proposed to be commenced is either held by the applicant or is taken on lease by him or is hired in his name

and it has adequate provision for a lecture-hall, room for demonstration of models, administrative section, reception room and sanitary block besides adequate parking area for the vehicles meant to be used for imparting instructions in driving. It has further to take into account the financial resources, number of the vehicle or numbers of the vehicles owned by the applicant, the type of such vehicle or vehicles and the said vehicles are exclusively for the purpose of imparting instructions; that he maintains apparatus and equipments which are necessary for imparting education in driving of motor vehicles and such other things which are enumerated in sub-rule (3) of Rule 24.

3. None of the provisions made therein provide for any member of the public to file objections to the grant of driving school licence to applicant if he otherwise satisfies the requirements enumerated to which Licensing Authority shall have due regard. Therefore, petitioner cannot be said to have locus standi to influence the decision of the first respondent-Regional Transport Officer by filing objections which are not provided for in the scheme of the Rules.

4. This Court expects all Officers under the Act to observe strictly the provisions of the Act and the Rules made thereunder in the matter of discharge of their duties. Therefore, this Court may neither interfere with such discharge of their duties nor permit to interfere in such discharge by others when they are not given a legal right of such interference. If any other view is taken, the purpose of the Act would be defeated in the name of public interest litigation. The machinery provided for instruction in driving motor vehicles may be throttled or rendered inoperative by the tactics of filing so-called public interest litigation.

5. Therefore, I do not think petitioner has locus standi nor any public interest is served by this Court interfering with the normal functioning of the Regional Transport Authority.

Petition is misconceived. It is rejected.