
(1977) 01 RAJ CK 0022

In the Rajasthan High Court

Case No : Civil Special Appeal No. 198 of 1976

Ram Swaroop Modi

APPELLANT

Vs

S.T.A.T. and Others

RESPONDENT

Date of Decision : 10-01-1977

Acts Referred:

Motor Vehicles Act, 1988 — Section 47(3), 64A

Citation : (1977) WLN 6

Hon'ble Judges : M.L. Shrimal, J;A.P. Sen, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

A.P. Sen, J.—This is a special appeal directed against an order of D.P. Gupta, J., dated 6-10-1976 rejecting the writ petition filed by the appellant for setting aside the order of the State Transport Appellate Tribunal, Rajasthan, Jaipur dated 9-9-1976.

2. The learned Single Judge rightly declined to interfere with the order passed by the State Transport Appellate Tribunal, which in exercise of its revisional jurisdiction u/s 64-A of the Motor Vehicles Act, set aside the resolution of the Regional Transport Authority, Jaipur dated 7-7-75, inasmuch as it had improperly revised the scope of permits on the route in question from 2 permits and 3 services to 3 permits and 4 services and the consequential stage carriage permit granted to the appellant on 2-1-1976 in pursuance thereof.

3. There was no error of jurisdiction on the part of the State Transport Appellate Authority. Nor did it act in breach of the rules of natural justice. u/s 64-A, the Appellate Authority had undoubtedly the power to interfere with the order of the Regional Transport Authority determining the scopes of services on the route u/s 47(3). It could interfere with the order passed by the Regional Transport Authority fixing the limit u/s 47(3) is revisable by the State Transport Appellate Authority on an application to it u/s 64-A. see, Lakshmi Narain Agarwal Vs. State

Transport Authority, U.P. and Another, and J.N. Wahal v. S.M. Jain (1969) 2 S.C.G. 833.

4. The question whether or not there was scope for increasing the services from 2 permits and 3 services to 3 permits and 4 services on the route in question was one for the transport authorities to determine. The Appellate Authority has on a consideration of the material on record, found that the Regional Transport Authority did not even apply its mind to the question of revision of scope on the route. That being so, it had the authority and jurisdiction to interfere with the order of the Regional Transport Authority fixing the limit u/s 47(3), This Court cannot interfere with such an order in exercise of its writ jurisdiction.

5. There is no merit in the contention that the Appellate Authority had no jurisdiction to set aside the stage carriage granted to the appellant. The resolution of the Regional Transport Authority increasing the scope u/s 47 (3) having been struck down, the stage carriage permit granted to the appellant on the route could have no valid existence and had to be set aside. In *Girdhari v. Regional Transport Authority* RLW 1970 465, Jagat Narain, J., while delivering the judgment of the Division Bench, observed:

If on a revision application u/s 65-A. The State Transport Authority is of the opinion that the route should not be opened then it is competent to it to cancel all the permits granted by the Regional Transport Authority on the new route opened by it. Further in case the State Transport Authority is of the opinion that the limit fixed by the Regional Transport Authority is too high it can reduce the limit and pass an appropriate order.

6. The learned Single Judge was clearly bound by the decision of the Division Bench in *Girdhari v. Regional transport Authority*, Supra.

7. The special appeal is, therefore, rejected summarily.