

(1982) 06 KAR CK 0016
In the Karnataka High Court
Case No : W.P. 12859/82

R.L. Doddamani

APPELLANT

Vs

R.T.A. Bijapur

RESPONDENT

Date of Decision : 09-06-1982

Acts Referred:

Motor Vehicles Act, 1988 — Section 63(6)

Citation : (1982) 2 KarLJ 439

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

Judgement

1. This matter coming up for preliminary hearing after notice to respondents is disposed by the following order.

2. The respondents, though served have not entered appearance. On 30-3-1982 Court ordered service of a copy of the petition on the Government Advocate as well.

3. The petitioner applied to the respondent Regional Transport Authority, Bijapur, for a special permit under sub-sec. (6) of S. 63 of the Motor Vehicles Act (hereinafter referred to as the Act). The petitioner prayed for the special permit to be operative between 24-3-1982 and 18-4-1982 on the route specified. That application was not disposed of. But, on 23-3-1992, an endorsement was issued by the Secretary of the first respondent to the effect that the application will be considered in the month of May, 1982 Aggrieved, by the same, petitioner has approached this Court on 29-3-1982 praying for a writ of mandamus from this Court to consider the petitioner's application forthwith. But, even by the time he approached this Court, the period for which he had asked for the permit had commenced. It was in that circumstance, the Government Advocate was directed to take notice and also emergent notice was issued to the respondents. Undoubtedly, on the date on which the petition was presented in this court, the application of the petitioner had become technically defective inasmuch as the period for which it was required had commenced. But, he had presented the application on 18-3-1982. In the scheme of the Act such permits as are

contemplated under sub-sec. (6) of S. 63 of the Act should receive priority in the matter of disposal. Either it may grant or reject the application well before the period of operation of the permit sought for commences. If that is not done, all applications under sub-sec. (6) of S. 63 of the Act would become infructuous.

4. Learned Government Advocate who had notice of this petition earlier also submitted that his instructions are identical with the endorsement which is at Annexure-C to the writ petition. This is somewhat strange. The first respondent is presumed to be conversant with the provisions of the Act and the different kinds of permits which it is required to issue for public convenience.

5. Though the period for which the petitioner had applied for a special permit is long since over, I must nevertheless make some observations against the conduct of the respondent-Regional Transport Authority, Bijapur in regard to its attitude in treating the application for special permit under sub-sec. (6) of S. 63 of the Act, in a callous and indifferent manner defeating the scheme of the Act in providing public conveyance. It is meant for operation on a specified route in a given period and it is always meant for public convenience. If the applicant does not get the permit for the period required, it would certainly cause inconvenience to the public. The operator had asked for a special permit because public at a given time required his vehicle to use under the permit granted for the limited purpose specified in sub-sec. (6) of S. 63 of the Act. I am of the opinion that the Regional Transport Authorities in general in the state and the RTA. Bijapur in particular should take notice of this fact, that applications under S. 63 (6) of the Act should be disposed of well before the period for which the special permit sought for commences. Failure to do so would be to defeat the very purpose for which that provision was made in the Act. It is submitted by the learned Government pleader that quick disposal of such applications is not possible on account of the heavy work the R.T.As. have on hand That is not an excuse to render the provisions of a statute nugatory or defeat the purpose for which a special provision is made. If necessary the RTA should delegate its authority if it is delegatable under Rule 96 of the Act to the Secretary to dispose of such applications without waiting for the RTA to be convened in respect of each application.

6. With the above observations this writ petition is disposed without rule being issued. A copy of this order should be sent forthwith to the respondent.

7. There will be no order as to costs. Government Pleader is permitted to file his memo of appearance within two weeks from today.