
(1958) 09 CAL CK 0019

In the Calcutta High Court

Case No : Civil Revn. No's. 1448, 1449, 1530 and 1556 of 1958

Shib Prosad Mondal

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 18-09-1958

Acts Referred:

Motor Vehicles Act, 1939 — Section 43, 47, 58, 58(1), 68F(2)

Citation : AIR 1959 Cal 543 : 63 CWN 88

Hon'ble Judges : Sinha, J

Bench : Single Bench

Advocate : Anil Kumar Das Gupta, Pritis Chandra Roy and Ganga Narayan Chandra, in Nos. 1448 and 1449 of '58, R.C. Deb, P.C. Ray and Ganga Narayan Chandra, in Nos. 1530 and 1556 of '58, for the Appellant; J. Majumdar and Somendra Ch. Bose in No. 1448 of '58 for Nos. 1 and 2, S.M. Bose, Advocate-General, H.K. Mitra and Sovamoy Banerjee for No. 3 and Chandidas Roy Choudhary, for Nos. 4 and 7 to 11, J. Majumdar Somendra Chandra Bose, for Nos. 1 and 2, S.M. Bose and Chandidas Rai Choudhary for No. 3 in No. 1449 of '58, J. Majumdar, Somendra Chandra Bose for Nos. 1, 2 and 3, S.M. Bose, Chandidas Roy Choudhary, Hemanta Krishna Mitra and Sovamoy Banerjee, in Nos. 1530 and 1556 of '58, for the Respondent

Judgement

Sinha, J.—These are four applications which involve common questions of fact and law. In fact, there has been only one set of argument in all these matters and it is convenient to deal with them in one judgment.

2. The facts in these cases are shortly as follows : There are two routes in Calcutta, namely, routes Nos. 10 and 10-A (Ballygunge Station to Howrah Station). In or about February, 1957, the said two routes were run by privately-owned stage carriages. 41 permits had been granted in respect of the said routes to different persons. All these permits were permanent permits renewed from time to time and at that stage the permits were valid upto 31-3-1957. Immediately before the expiry of the permits, applications were made for renewal for a further term. Thereupon, on or about 21-2-1957, notice of

application was given, inviting representations against the renewal. The only objection that was put forward was by the Director General of Transportation, on the ground that the State Government was going to nationalise the said routes and run the same by State buses. On 27-3-1957, an order was passed by the State Government purporting to be in exercise of power conferred by sub-section (3) of Section 58 of the Motor Vehicles Act 1939 (hereinafter referred to as the "Act"). By this order, the R. T. A. Calcutta was directed to limit the period for which stage carriage permits on routes Nos. 10, 10-A and 11 of the Calcutta region should be renewed only for six months ending with 30-9-1957. As will be stated presently, this order was made erroneously, overlooking the fact that the provision of law under which it was being made, had been repealed. This fact was however detected sometime afterwards, and for the time being, the order was carried out by the R. T. A. and on the 28th March, 1957, permits in routes Nos. 10 and 10-A were ordered to be renewed for six months with effect from the 1st April 1957. Ultimately these two routes 10 and 10-A have been nationalised and are being run by State buses and the permit-holders in these two routes owning private buses have been diverted to another route or routes and this is what has given rise to these applications.

3. Before I proceed further, it would be necessary to investigate as to how routes are nationalised, that is to say, taken over by Government, and the incidents thereof. Special provisions relating to State Transport undertakings have been introduced into the Act, by incorporating a new chapter called Chapter IVA, which was introduced by Section 62 of the Motor Vehicles (Amendment) Act 100 of 1956. This chapter contains nine sections, viz., 68-A to 68-I. u/s 68-A (b) a "State Transport Undertaking" means any undertaking providing road transport service, where such undertaking is carried on by, inter alia, any corporation or company owned or controlled by State Government. u/s 68-C, it is inter alia, provided that where a state transport undertaking is of opinion that for the purpose of providing an efficient, adequate, economical and properly coordinated road transport service, it is necessary in the public interest that road transport services in relation to any route should be run and operated by the State Transport undertaking to the exclusion of other persons, the State Transport undertaking may prepare a scheme and such scheme is to be published in the official gazette. u/s 68-D, objections may be made to the scheme and such objections are to be considered by the State Government. Thereafter the scheme as approved or modified by the State Government is to be published in the official gazette and shall thereupon become final and is called the "approved scheme" and the route is called "the notified route." Section 68-F is important and the relevant part thereof is set out below :

"68-F. Issue of permits to State Transport undertakings :

1. Where, in pursuance of an approved scheme, any State Transport undertaking applies in the manner specified in Chapter IV for a stage carriage permit or a public carrier's permit or a contract carriage permit in respect of a notified area

or notified route, the Regional Transport Authority shall issue such permit to the State transport undertaking notwithstanding anything to the contrary contained in Chapter IV.

2. For the purpose of giving effect to the approved scheme in respect of a notified area or notified route, the Regional Transport Authority may by order :

- (a) refuse to entertain any application for the renewal of any other permit;
- (b) cancel any existing permit;
- (c) modify the terms of any existing permit so as to
 - (i) render the permit ineffective beyond a specified date;
 - (ii) reduce the number of vehicles authorised to be used under the permit;
 - (iii) curtail the area or route covered by the permit in so far as such permit relates to the notified area or notified route."

4. I have already stated that in February, 1957, objection was preferred by the Director General of Transportation to the renewal of permits in respect of routes Nos. 10 and 10-A on the ground that these routes were going to be nationalised. This was followed by an order of the State Government directing the R. T. A. not to give renewals for more than six months, and that in fact permits were ordered to be renewed for six months with effect from 1-4-57. In or about August, 1957, a scheme was drawn up u/s 68-C of the Act. This scheme was approved by the State Government and on 26-9-1957 the State Government, after hearing all objections, approved of the scheme and the approved scheme was published in the official gazette. Under the scheme, 15 routes were being nationalised, that is to say, such routes were to be run and operated by the Directorate of Transportation, Government of West Bengal, to the complete exclusion of all other persons. This included routes Nos. 10 and 10-A with which we are concerned in this case. Thereafter what happened was that the State Transportation Directorate started running route No 10 with effect from the 1st October, 1957, but as it could not put buses on route Number 10-A immediately, an extension for three months was granted to buses running in route No. 10-A, for three months upto 31-12-57. On or about 27-12-1957, all applications for renewal of permits in respect of routes 10 and 10-A were refused u/s 68-F(2) (a). Meanwhile, by notification dated 22-11-1957, published in the newspapers on 26-11-1957, the R. T A. Calcutta Region invited applications for the grant of carriage permits in route No. 85 (Barrackpore to Kanchrapara, 10 permits) Bongaon to Gobardanga. (2 permits) and Habra to Gobardanga (3 permits). Applications were filed by the petitioners in these cases as also by several respondents. Objections came to be heard on 7-1-1958 when it was urged that provisions of Sec. 47 of the Act and the relative rules had not been complied with. Consideration of the matter was postponed with directions for compliance with the said provisions.

5. Before I proceed further, it would be necessary to consider Section 43 of the Act. Under this section, the State Government may under certain circumstances by notification in the official gazette issue directions to the State Transport Authority. One of the headings in respect of which such direction can be given is,

"regarding the grant of permits for alternative routes or areas, to persons in whose cases the existing permits are cancelled or the terms thereof are modified in exercise of the powers conferred by Clause (b) or Clause (c) of Sub-section (2) of Section 68-F."

There is a proviso to the section which lays down that no such notification shall be issued unless a draft of the proposed directions is published in the official gazette specifying therein a date, Being not less than one month after such publication, on or after which the draft will be taken into consideration and any objection or suggestion which may be received has, in consultation with the State Transport Authority, been considered, after giving the representatives of the interests affected an opportunity of being heard. On the 4th March, 1958 a draft of the proposed directions was published in the official gazette. The approved directions ran as follows:

"The State Transport Authority, West Bengal, is hereby directed to grant stage carriage permits for alternative routes to buses in respect of permits for stage carriages for routes nos. 10 and 10A of Calcutta region which were rendered ineffective beyond the 30th September 1957 by an order of the Regional Transport Authority of the said region under Sub-clause (i) of Clause (c) of Sub-section (2) of Section 68F of the Motor Vehicles Act 1939 (IV of 1939) in pursuance of the scheme approved by the State Government under Sub-section (2) of Section 68D of the said Act and published under Notification No. 6067 W. T. dated 26th September, 1957".

This is followed by a schedule setting out the names of persons to whom stage carriage permits were to be granted. Briefly stated, the persons who had permits in routes 10 and 10A and who were unable to get their permits renewed because of nationalisation of those two routes, were directed to be granted permits in respect of alternative routes for which the R.T.A, Calcutta had already called for applications and the petitioners and several other respondents had already applied for the issue of permits in such routes. It is at this stage that a very piquant situation arose. If these persons who had lost the right to run buses in routes 10 and 10A were to be diverted to the alternative routes in which the petitioners are interested, then the position is that the petitioners cannot get any permit. In other words, the number of permits that were proposed to be issued in these other routes would be completely filled up. I have already set out above the nature of directions that could be given by the State Government u/s 43(1) of the Act. In the present case, such directions could only be given if the persons to whom they were proposed to be given under the draft directions were persons in whose cases the existing permits were cancelled, Or terms thereof were modified in exercise of the powers conferred by Clause (b) or Clause (c) of Sub-

section (2) of Section 68F. I have also set out those provisions. It is clear therefore that the draft directions could only be given effect to, if the persons concerned therein were persons whose existing permits were cancelled or whose existing permits were modified so as to render the same ineffective beyond a specified date. In this case at no point of time, was any existing permit cancelled. Therefore, the short point is as to whether these persons had existing permits which were rendered ineffective beyond a specified date. If the matters stood as delineated above, prima facie none of these persons had any existing permit at all when the draft direction, was published. It seems that this difficulty was felt and the authorities woke up to the realisation that the order of the State Government dated the 27th March 1957, purporting to be u/s 58(3) of the Act as amended by West Bengal Act XIX of 1951 was misconceived and without jurisdiction. It will be necessary to explain this in greater detail. Section 58 of the Act deals with the duration and renewal of permits. In the original Act, there were two Subsections (1) and (2). Sub-section (1) laid down that the permit, other than a temporary permit issued u/s 62, shall be effective without renewal for such period, not less than three years and not more than five years, as the R. T. A. may in its discretion specify in the permit. The Act is a Central Act. On or about the 13th July 1951 a State Act was passed called the Motor Vehicles West Bengal Amendment Act XIX of 1951. This amendment could be made under Article 254 of the Constitution with the assent of the President, which assent was duly obtained. u/s 11 of this Amending Act, Sub-section (3) was added to section 58 and it ran as follows:

"Notwithstanding anything contained in Subsection (1) the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in this Act."

6. What had happened was that various State Governments had introduced amendment to Subsection (1) of section 58 to suit their own needs of nationalisation. It was in order to supersede these various amendments that Sub-section (1) of section 58 was wholly substituted by a new Sub-section (1) which ran as follows ":

"58 (1) (a). A stage carriage permit or a contract carriage permit other than a temporary permit issued u/s 62 shall be effective without renewal for such period, not less than three years and not more than five years, as the Regional Transport Authority may specify in the permit.

(b) A private carrier's permit or a public carrier's permit other than a temporary permit issued u/s 62 shall be effective without renewal for a period of five years."

This amendment was introduced, by Section 52 of the Amendment Act 100 of 1956 and came into operation on the 16th February 1957. As the previous subsection has been wholly replaced, the State amendment which had introduced Sub-section (3) to Section 58 became nugatory. In other words the State

amendment affected Sub-section (1) as it stood before the Amendment Act 100 of 1956 but could not affect the new sub-section introduced by that Act. This position is firmly established by the Supreme Court decision *Zaverbhai Amaldas Vs. The State of Bombay*, . That being so, the order of the State Government passed on the 27th March 1957, u/s 58(3) of the State Act was wholly without jurisdiction. It will be remembered that by virtue of that order the R. T. A. only renewed the permits for six months and so far as route 10A is concerned, there was a further renewal for three months. In any event, all permits came to an end upon the expiry of December 1957, The position was reviewed by the R. T. A. Calcutta Region at its meeting held on the 10th April, 1958. It was pointed out that there was an obvious error in the orders of renewals for six months and/or three months, and the following order was passed.

"This obvious error is now rectified and the said order of renewal dated the 28th March, 1957 is corrected to the extent that all the permits covered by the said order will be renewed for a period of three years from 1st April, 1957. In view of this order of rectification, the subsequent orders dated the 28th September, 1957 and the 27th December, 1957 are to be modified accordingly. But at the same time the Director of Operations, State Transport Directorate in his letter No. DOP 19322 dated the 18th December 1957 had intimated that in the public interest the State Transport Directorate will take over Route No. 10A with effect from 1st January 1958 which is within the approved scheme published by the Government under Notification No. 6067-WT dated the 26th September 1957. Similarly under the said approved scheme the State Transport Directorate had taken over Route No. 10 with effect from 1st October, 1957. Consequently the permits for these 41 buses of Route Nos. 10 and 10A are rendered ineffective u/s 68F (2) (c) (i) of the Motor Vehicles Act beyond 30th September, 1957 in the case of Route No. 10 and beyond 31st December 1957 In the case of Route No. 10A."

7. I have already stated that on 4th March 1958, draft directions were published and it was proposed to direct the R. T. A. to grant stage carriage permits in respect of alternative routes in which the petitioners herein are interested, to those whose existing permits were rendered ineffective beyond certain date. On the 8th May 1958, the draft directions were made final and duly published.

8. The position therefore is as follows: In order that the directions given to the R. T. A. to grant permits to persons whose existing permits were rendered ineffective beyond a particular period should be valid, it would be necessary that these persons had existing permits which could be rendered ineffective. If there were no existing permits, there could be no question of such permits being rendered ineffective beyond a particular period. The authorities appreciated this difficulty and made the order dated the 10th April, 1958 quoted above. The point taken by the petitioners in these applications is that the R. T. A. had no jurisdiction or power to review or rectify its previous orders and therefore the order dated the 10th April 1958, is a nullity. It is obvious that if this order can be got rid of, then prima facie, the directions of the State Government are bad. On

the other hand if this order dated the 10th April 1958 is effective, then there has arisen a situation under which certain existing permits were rendered ineffective beyond a certain date as a result of the State Government taking up certain routes exclusively and the directions given by the State Government to the R. T. A. under S. 43 would be perfectly valid.

9. The learned Advocate General appearing on behalf of some of the respondents, and Mr. Mujumdar appearing for the State Government following him, have argued that the order dated the 10th April, 1958 is perfectly valid. They have however taken a second line of defence. According to the learned Advocate General, the mandatory provisions of Section 58 (1) (a) are that a stage carriage permit other than a temporary permit could not be issued for less than a period of three years. If that was so, he argues that the renewal that was granted for a period less than three years must be treated as a permit for at least three years. If that is so, then of course it was wholly unnecessary to review the situation and pass the order dated the 10th April, 1958, and the position would be favourable to the respondents and the directions of the State Government will still be valid. Mr. Majumdar has taken another line and has argued that the parties having applied for a renewal for a period of three years and the orders passed thereon for six months and/or for three months being without jurisdiction and consequently a nullity, it means that the applications were still pending. According to him, the applications being still pending, the order dated the 10th April, 1958 validly disposed of those applications and therefore is an order that can be fully supported. These are the various points that have to be considered in these cases.

10. On the point as to whether the R. T. A. has the power to review its own decision. Mr. Das Gupta appearing on behalf of the petitioners in C. R, Nos. 1448 and 1449 of 1958 has relied on a Bench decision of the Patna High Court, Ramnath Prasad Vs. State Transport Appellate Authority and Others, . In that case, a matter was remitted to the R. T. A. to decide as to which of two applicants, a certain permit was to be issued to in the Purnea Kishoreganj route. At the hearing one party did not appear and the permit was given to the appearing party. The other party later on made an application for review on the ground that he had not received notice. The application for review was heard and rejected, on the ground that the notice had been properly served. The matter ultimately came up to the Patna High Court in an application under Article 226 of the Constitution, and the point was taken that the R. T. A. had no right of review at all. It was held that in the Act or in the Rules framed thereunder, there was no provision for a review by the R. T. A., or even by the Appeal Court of its own order. It was stated to be well settled that a power of review is not inherent in any authority. The moment a right to decide is exercised, the authority becomes functus officio except for the matter of grave clerical error, or mistakes committed by the authority, for which the authority is responsible. It was held that there was no inherent power to review apart from the statute except to correct its own mistakes. I do not see how this decision helps Mr. Das Gupta,

because it lays down that where mistakes had been committed, the authorities can correct them. In this case what had happened was that an order had been made entirely by mistake. There was no doubt that the repeal of Sub-section (i) of Section 58 was lost sight of inadvertently and I do not think that this authority lays down that such a mistake cannot be rectified.

11. In *Veerappa Pillai Vs. Raman and Raman Ltd. and Others*, Aiyar J. said as follows:

"The Motor Vehicles Act is a statute which creates new rights and liabilities and prescribes an elaborate procedure for their regulation. No one is entitled to a permit as of right even if he satisfies all the prescribed conditions. The grant of a permit is entirely within the discretion of transport authorities and naturally depends on several circumstances which have to be taken into account. The Regional Transport Authority and the Provincial Transport Authority are entrusted u/s 42 with this power. They may be described as administrative bodies exercising quasi-judicial functions in the matter of grant of permits,"

In *Raman and Raman Ltd. Vs. The State of Madras and Another*, , it was held that the nature of the functions performed under the Act by the Regional Transport Authority, the Board and the State Government, in the matter of granting or refusing to grant a permit was not a judicial act but the point as to whether such functions were quasi-judicial was left open. Mr. Majumdar has cited various authorities to show that where the order was made by mistake inadvertently, a rectification could be made. He has cited a Privy Council decision *Debi Bakhsh Singh v. Habib Shah* 40 IA 151. In that case the sole plaintiff died before the hearing of the suit and yet the suit was dismissed for non-appearance. Lord Shaw said as follows:

" "By the Code of Civil Procedure, Section 151 it is provided that "nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court". In their Lordships' opinion such abuse has occurred by the course adopted in the Court of the Judicial Commissioner. Quite apart from Section 151 any Court might have rightly considered itself to possess an inherent power to rectify the mistake which had been inadvertently made."

12. Mr. Majumdar has also cited a Privy Council decision, AIR 1949 112 (Privy Council) . In that case, the Privy Council delivered judgment on the 18th March, 1948, upon the footing that the police rules of 1937 referred to in the judgment, had become operative at some date prior to the 25th April, 1938. Thereafter, an application was made for reconsideration of the decision on the ground that it had been ascertained that the Police Rules of 1937 were in effect printed and published on the 29th April 1938, four days after the dismissal of the respondent. The Judicial Committee heard further argument and reconsidered their decision. While by the previous judgment the appeal was allowed, by the re-considered judgment the appeal was dismissed. Mr. Majumdar argues that where

the court has proceeded on an erroneous assumption of facts, it can always reconsider its decision.

13. In my opinion it is unnecessary to draw a close parallel with judicial proceedings. The R. T. A. carries out duties which are administrative but in certain respects of a quasi-judicial nature. I do not see why, when it finds that an order has been made inadvertently overlooking that the law had meanwhile been changed, that order cannot be rectified. All that the R. T. A. purported to do was to rectify a gross mistake which appeared on the face of the proceedings. It is not to be considered with the same strictness and formality as a review in a purely judicial proceeding. I should think that for an administrative body sometimes carrying out quasi-judicial functions, there is an implied power to rectify such mistakes. I therefore do not find that the order dated the 10th April 1958 is defective. If this is so, then of course, there is nothing further to consider because these forty one permits would then be valid upto 31st March, 1960 but were rendered ineffective u/s 68F (2)(c)(i) and as such the direction given by the State Government under sec. 43 to grant route permits to these permit holders is perfectly valid. I will however briefly notice the other points that have been urged before me. The learned Advocate General has argued that u/s 58(1) (a) of the Act, a stage carriage permit could not be granted for less than three years. Hence, if the R. T. A. grants a permit for a lesser period, it must be taken to be a permit for three years. This appears to me to be a somewhat strange proposition but supported by a bench division of this High Court which is binding upon me. This is the case of *United Motor Transport Co. Ltd. Vs. Sreelakshmi Motor Transport Co. Ltd. and Others*, . In that case a bench presided over by R.C. Mitter J. said as follows:

""The only other class of permits which these authorities can issue and which we have for convenience called non-temporary permits are to be issued by those authorities after following the procedure laid down in Section 57 of the Act. Section 58 (1) defines the duration of such permits. The duration must be for three years" at least, but the Transport Authority has been given the power and discretion to give them life for a longer period not exceeding five years If a permit which is not issued u/s 62 of the Act, is issued by a competent Transport Authority after following the procedure laid down in Section 57 of the Act, but the permit on the face of it is for a period of less than three years that permit in our judgment would be valid for a period of three years. That is a view we take of Sec. 58 of the Act for that section says that "without renewal" the permit shall be effective for a period of not less than three years. The phrase "without renewal" shows that the Legislature had in contemplation cases where the competent Transport Authority had in fact issued permits for a fixed period and that period was less than three years."

14. This case was dissented from by the Allahabad High Court in *Moti Lal and Others Vs. The Government of the State of Uttar Pradesh and Others*, . But the particular conclusion reached there was that a temporary permit wrongly granted

could not be considered to be a permit validly granted u/s 58. In *Baghat Transport Service Ltd. and Others Vs. The State of Himachal Pradesh*, ., it was held that a renewal far less than the prescribed period was illegal.

15. With respect I do not see how a permit issued for a period of less than three years can be taken to be a permit for three years. u/s 58 (1) (a) a permit can be issued for a period of not less than three years. An issue of a permit for a lesser period is illegal and the R. T. A. has no jurisdiction to issue the same. But I fail to see how the permit can be held to be valid for three years although the R. T. A. has not specified that period in the permit as is essential u/s 58 (1) (a) of the Act.

16. Mr. Deb appearing for the petitioners in C. R. No. 1530 of 1958 and C. R. No. 1556 of 1958 has then argued that the period of three years is necessary for the issue of a permit u/s 58 (1) (a) but the limitation does not apply in the case of a renewal. He argues that a renewal is governed by Sub-section (2) of Section 58 and merely lays down that a permit may be renewed on an application made and disposed of as if it were an application for a permit. According to Mr. Deb this merely refers to the procedure and does not refer to the period for which a renewal may be granted. He refers to the form of a state carriage permit, being Form P st P prescribed under Rule 60 (a) (i) of the Motor Vehicles Rules wherein the form of renewal is as follows:

"This permit is hereby renewed upto the day of 19 ."

I am unable to accept this contention. It is true that Sub-section (1) of Section 58 speaks of the issue of a permit and not of its renewal. But Sub-section (2) makes it clear that a renewal must be treated on the same footing as the original issue. A renewal is of course a continuation of the original permit and its existence must necessarily depend upon the existence of a valid permit which is capable of being renewed. But apart from that, the incidences are the same. In my opinion there is nothing in the Act or the rules to warrant the proposition that a renewal may be for any period. Logically if no time limit is held to have been prescribed for a renewal, it can be renewed for any length of time. Just as it could be for six or even three months, as in this case, it could be for fifty years in another case. I think the proposition must be ruled out at once. In my opinion the matter stands thus : u/s 58 as it stands, a permit or a renewal thereof can be granted for a period of not less than three and not more than five years, as specified by the R. T. A. in the permit. If the issue is for a period contravening the provisions of the statute then it is a permit granted illegally, so far as its duration and extent is concerned. Such a permit is not a nullity. It may be that the permit-holder has asked for the prescribed period (As happened in this case), and the R. T. A. has gone beyond its jurisdiction. It would be unjust to declare the permit as a nullity because the permit-holder would then be plying his vehicle without a permit and faced with the peril of dire penalties. The proper way of looking at it would be to consider it as a permit with an improper duration which could be challenged by the permit-holder or any party interested by preferring an appeal or application in accordance with the provisions of the Act. The authorities

would then rectify the permit. If they fail to do so, the constitutional remedies may be availed of. However, the divisional bench judgment cited above is against this contention and is for the time being binding upon me. See *Nawab Bahadur, Murshidabad v. Rameshwarlal Ganeriwala* AIR 1949 Cal 323, *Jatindra Nath Vs. Malai Ram Show*, . In view of this it is unnecessary to deal any further with the argument advanced by Mr. Majumdar to the effect that the orders being without jurisdiction and a nullity, the original application for renewal must be deemed to have been pending.

17. This leaves me only to consider a preliminary objection taken by the learned Advocate General. He states that in C. R. No. 1448 of 1958 the petitioner did not specifically apply for a permit in Route 85 and as such he has not got any locus standi to make this application. As stated above, an advertisement was issued inviting application in respect of route 85 and two other routes. The petitioner in C. R. 1448 applied for a permit in any of the routes. This may be somewhat vague, but I think quite understandable. There were three routes for which permits were being issued and his application must be taken to be an application for all the routes although in effect he could only get a permit for one of the three routes. As a result of what has happened his application has become wholly infructuous, because the available permits have all been ordered to be given to persons whose original permits became ineffective by reason of the routes 10 and 10-A having been nationalised. I am unable to hold therefore that the petitioner in C. R. No. 1448 of 1958 or any of the petitioners in these several applications has or have no locus standi to maintain these applications. The preliminary objection fails.

18. Since however, the applications have failed upon the merits, the rules must be discharged, interim orders are vacated, no order as to costs.