

(1972) 03 MP CK 0014

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 651 of 1970

Shree Bus Service, Hatta

APPELLANT

Vs

Regional Transport Authority, Jabalpur and Others

RESPONDENT

Date of Decision : 09-03-1972

Acts Referred:

Motor Vehicles Act, 1939 — Section 47(3), 63

Citation : AIR 1972 MP 121 : (1972) JLJ 376 : (1972) 17 MPLJ 518 : (1972) MPLJ 518

Hon'ble Judges : Bishambhar Dayal, C.J.;A.P. Sen, J

Bench : Division Bench

Advocate : V.S. Dabir, for the Appellant;

Final Decision : Dismissed

Judgement

Bishambhar Dayal, C.J.

This is a writ petition by Shree Bus Service. The Regional Transport Authority, Rewa, granted two permits to respondents Nos. 2 and 3 on an interregional route which was covered partly by the Rewa region and partly by the Jabalpur region. After the grant of the permit by the Regional Transport Authority, Rewa, the bus operators went to the Regional Transport Authority, Jabalpur, for counter-signature. The petitioner raised an objection to such counter-signature on the ground that there was no scope in the Jabalpur region for these two further permits being granted. The Regional Transport Authority, Jabalpur, considered the matter and held as follows:

"The Shri Bus Service has objected on the ground that there is no scope on this route. This objection has been considered by the Regional Transport Authority, Rewa and it has been held that there is scope"

With this observation, the objection was rejected.

The contention of learned counsel for the petitioner is that the Regional Transport

Authority at Jabalpur should have made enquiries and should have come to an independent conclusion with regard to the scope in its own region and that as this was not done/ its order was without jurisdiction. We are unable to agree with this contention. The scope on the route had already been considered by the Regional Transport Authority, Rewa and if the Regional Transport Authority at Jabalpur was satisfied that that conclusion of the Regional Transport Authority, Rewa, was correct, there was no point in starting a fresh enquiry and coming to the same conclusion. Their Lordships of the Supreme Court in Mohd. Ibrahim, etc. Vs. The State Transport Appellate Tribunal, Madras, etc., have held in paragraph 14 at page 1548 of the report that the provisions of Section 47 (3) of the Motor Vehicles Act do not specifically apply to inter-state or interregional routes and that the relevant authorities in the two States or two regions should decide by agreement whether there is scope or not. This is exactly what the Regional Transport Authority, Jabalpur, has done. It has agreed with the finding of the Regional Transport Authority, Rewa, and has therefore granted counter-signature.

We see no force in this petition and dismiss the same. Parties will bear their own costs. The outstanding amount of the security deposit shall be refunded to the petitioner.