
(2018) 08 UK CK 0085

In the Uttarakhand High Court

Case No : Writ Petition No. 103 (MS) of 2009, 96 (MS) of 2009

S.K. Srivastava & others

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 14-08-2018

Acts Referred:

Citation : (2018) 08 UK CK 0085

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : Amar Shukla, V.D. Bisen

Final Decision : Allowed

Judgement

ALOK SINGH, J.

1. Common questions of facts and law are involved in the both the writ petition, therefore, both the writ petitions are heard together and disposed of by this common judgment.

2. In both the writ petitions legality and propriety of Agenda No. 13 of the meeting dated 27.12.2008 is under challenge whereby Regional Transport Authority had granted permit to several persons without survey of the route.

3. Heard Mr. Amar Shukla, Advocate for the petitioners and Mr. V.D. Bisen, Brief Holder for the State of Uttarakhand / respondents and perused the record.

4. Mr. Amar Shukla, Advocate for the petitioner submits that these 91 permits were granted without obtaining report from joint survey committee and were granted against the provisions of the Motor Vehicles Act, 1988. He further submits that all the applications, on which permits were given, were

incomplete. In support of his contention, he has placed reliance on Annexure No. RA2 to the rejoinder affidavit. Regional Transport Authority had

granted permit in haste and without applying its mind. He further submits that one Gurubaksh Singh approached the State Transport Appellate

Tribunal, which has already cancelled the permit of 85 persons subject to decision of present writ petition.

5. Respondent nos. 2 and 3 have filed counter affidavit. In para 29 of the counter affidavit, they have stated that in the meeting dated 27.12.2008, they

have allowed all the applications submitted for permits for route in question.

6. Regional Transport Authority in its meeting dated 24.02.1999 passed a resolution that permits on the city bus routes shall be granted on the

recommendation of the joint survey committee. Joint Survey Committee shall comprise of one officer nominated by each District Magistrate, Senior

Superintendent of Police and RTO. In compliance of Joint Survey Committee report held in 2004, for Dehradun Kalsi route, 9 buses were being plied.

In a meeting dated 27.12.2008, Regional Transport Authority considered various applications for Dehradun Kalsi route and granted 91 permits.

7. From the perusal of record, it appears that no survey was conducted before granting 91 permits for the route Dehradun â" Kalsi and applications

on which permits were granted were incomplete and the same have been granted without application of mind and without following the provisions of

the Motor Vehicle Act.

8. Accordingly, writ petitions are allowed. Agenda No. 13 of meeting dated 27.12.2008 is hereby set aside. Regional Transport Authority is directed to

get the survey done for Dehradun - Kalsi route, if not already done, expeditiously so that public may not suffer and thereafter, invite the applications

for granting permit of the said route and grant permit, strictly in accordance with law. Let copy of this judgment be placed in connected petition.