

(2011) 12 KAR CK 0409

In the Karnataka High Court

Case No : Writ Petition No. 45321 of 2011 (M.V.)

Smt M.G. Nagarathnamma

APPELLANT

Vs

The Regional Transport Authority, The Secretary, Regional
Transport Authority, Davanagere, The Karnataka State Road
Transport Corporation and Mr J.R. Rahim Khan

RESPONDENT

Date of Decision : 09-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0409

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : B.R. Sundararaja Gupta, for the Appellant; T.K. Vedamurthy, HCGP for R-1 and 2, Sri Hareesh Bhandary T., for R-3 and Sri H.B. Nagaraj, for R-4, for the Respondent

Final Decision : Dismissed

Judgement

S. Abdul Nazeer

1. The Regional Transport Authority, Davanagere passed a resolution on 7.4.2006 resolving to grant, the petitioner a stage carriage permit between Kottur to Davanagere and back via Ujjini, Jagalur, Bilichodu to perform two round trips per day. Timings were assigned by the Secretary of the Regional Transport Authority on 1.8.2006. The permit was valid from 21.12.2006 to 21.12.2011. The existing operators challenged the said resolution before the Karnataka State Transport "Appellate Tribunal by filing Revision Petition Nos. 3/07, 4/07 and 214/07. The Tribunal has set aside the said permit by its order dated 29.10.2007 and remanded the matter back to the 1st respondent for fresh consideration after obtaining a joint route survey report.

2. The petitioner challenged the said order by filing a writ petition before this Court in W.P. No 17350/2007. This court dismissed the writ petition by order dated 21.10.2008. However, this Court observed that the petitioner could

continue the operations on the said route till the disposal of the ease by the Regional Transport Authority. Thereafter, the Regional Transport Authority has passed a resolution as per Annexure-C dated 30.8.2011 rejecting the application of the petitioner on the ground that the route overlaps nationalised route at two stretches.

3. The petitioner challenged the said resolution of the Regional Transport Authority by filing the appeal in A. No. 1061/11 before the Tribunal. The Tribunal by its order dated 3.12.2011 has set aside the resolution at Annexure-C dated 30.8.2011 and remanded the matter back to the 1st respondent for fresh consideration in accordance with law. The reason "or the remand was that the petitioner has admitted before the Tribunal that the route in question overlaps the notified route. There are alternate routes available, which was not taken into consideration. She has made a further submission that she will file a modified application for alternate route before the authority by curtailing the notified route. The petitioner has called in question the validity of the said order in this writ petition.

4. The only submission of the learned counsel for the petitioner is that, pending disposal of the matter before the RTA, the petitioner may be permitted to operate the services. I am of the view that petitioner is not entitled for the said relief. Even according to the petitioner, the original route overlaps the notified route. That is why she has made a submission before the Tribunal that, she will file a modified application for alternate route before the authority by curtailing the notified routes. The Tribunal therefore has remanded the matter to the 1st. respondent with a direction to reconsider the matter afresh in accordance with law if the petitioner files appropriate application within 60 days from the date of receipt of the order. Therefore, the question of permitting the petitioner to operate the services on the notified route does not arise. The writ petition is accordingly dismissed. No costs.