

(2010) 08 KAR CK 0077
In the Karnataka High Court
Case No : Writ Petition No. 14510 of 2010

Sri Chandrashekar Proprietor SRMS

APPELLANT

Vs

The Secretary Regional Transport Authority

RESPONDENT

Date of Decision : 02-08-2010

Acts Referred:

Citation : (2010) 08 KAR CK 0077

Hon'ble Judges : Ashok B. Hinchigeri, J

Bench : Single Bench

Advocate : Rajesh, for A. Anand Shetty, for the Appellant; K.M. Shivayogiswamy, HCGP, for the Respondent

Final Decision : Allowed

Judgement

Ashok B. Hinchigeri, J.—Sri K.M. Shivayogiswamy, the learned High Court Government Pleader is directed to take notice for the respondent.

2. Sri Rajesh, the learned Counsel for the petitioner submits that despite the resolution passed by the Regional Transport Authority (R.T.A), the timings were not reassigned there in accordance with. Aggrieved by the inaction of the Secretary, R.T.A., the petitioner filed Revision Petition 918/2007 before the Karnataka State Transport Appellate Tribunal (K.A.T). The K.A.T., by its order, dated 06.11.2007, disposed of the revision petition with a direction to the respondent to take up the timings subject of the petitioner forthwith and endorse the revised timings in the permit within 30 days.

3. Sri K.M. Shivayogiswamy, the learned High Court Government Pleader for the respondent submits that the petitioner has not produced the permit and other documents. Assigning of timings, if any, has to be entered in the permits. He also submits that the respondent is not aware whether or not the petitioner's permit is renewed. Further, as the validity period of permit has expired, the question of assigning or reassigning the timings does not arise, is the submission of Sri Shivayogiswamy.

4. The learned Counsel for the petitioner in the course of his rejoinder submits that the petitioner's permit is valid upto 2012. He further submits that by inadvertence, the petitioner has unnecessarily raised the challenge to the Tribunal's order. The petitioner's grievance is only over the endorsement issued by the respondent No. 1 on 09.03.2010 at Annexure-D.

5. The reason given by the Tribunal for refusing to give a direction to the R.T.A to assign the timings is the delay on the part of the petitioner in seeking the enforcement of the decision after 4? years of its passing; the Tribunal has taken the view that there could be enormous change on the route in view of the rival operators operating the service with convenient timings.

6. My perusal of the impugned endorsement shows that the first respondent has proceeded on a fallacy that the petitioner is required to appear and produce certain documents before the respondent. In the Tribunal's order, this Court does not find any such direction. The direction is issued to the respondent only. The Tribunal's order has attained the finality. The endorsement, dated.09.03.2010 is liable to be quashed and accordingly it is quashed. In the considered view of this Court the ends of justice would be met by my directing the respondent to consider the case of the petitioner in accordance with the . Tribunal's order, dated 06.11.2007.

7. Further, the petitioner is directed to appear for the respondent on 12.03.2010 at 11.00 a.m. without waiting for any notice from the respondent. Further the petitioner shall produce all the documents, which the respondent calls for from the end of the petitioner. The respondent shall consider the petitioner's case for assignment of timings in accordance with law within six weeks from today.

8. This petition is allowed. No order as to costs.