

**(2011) 10 KAR CK 0112**  
**In the Karnataka High Court**  
**Case No : Writ Petition No. 17935 of 2011 MV**

Sri T.M. Ganeshan Goundar

APPELLANT

Vs

The Regional Transport Authority Chitradurga Region  
Chitradurga and The Managing Director Karnataka State,  
Road Transport Corporation Central Office

RESPONDENT

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**Date of Decision :** 20-10-2011

**Acts Referred:**

**Citation :** (2011) 10 KAR CK 0112

**Hon'ble Judges :** Mohan Shantana Goudar, J

**Bench :** Single Bench

**Advocate :** B.R. Shalendra, for the Appellant; M. Keshava Reddy, AGA for R1,  
A.S. Parasara Kumar, for R2 and Hareesh Bhandary, for R3, for the Respondent

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## Judgement

Mohan Shantana Goudar

1. The petitioner as well as respondent No. 2 are granted stage carriage permits in respect of the same routes, Second respondent after expiry of the permit, applied for renewal of permit. At that point of time, there was joint survey. The report of the joint survey is found at. Annexure-B to the writ petition. The same reveals that there is over-lapping of the route, i.e., the route on which the second respondent is running stage carriage, overlaps the notified route. However, ignoring the same, renewal of permits was made in favour of the 2nd respondent. Questioning the said renewal, the petitioner herein filed R.P. No. 754/2010 before. Karnataka State Transport Appellate Tribunal, Bangalore. Though the "Tribunal/Appellate Authority observes that there is overlapping of notified route, said contention is rejected on the ground that KSRTC has not filed revision petition questioning the order of the Tribunal Hence, this writ petition is filed.

2. Sri. B.R. Shailendra, learned counsel for the petitioner brings to the notice of the Court the judgment of this Court dated 30th June 2011 passed in W.P. No. 17931/2011 and connected matters, The said judgment is in respect of the very

routes. In the said matters, this Court did not interfere with the order of remand made to the original authority by the Tribunal. In view of the same, Sri, Shailendra submits that this matter may be sent, to the original authority with a direction to the original authority to reconsider the prayers of both the parties for renewal of permits,

3. Admittedly, the petitioner as well as respondent No. 2 are running the buses on the saint routes which are overlapping on the notified route. The effect of the same will have to be considered by the original authority once again. Since the matters are already remanded to the original authority as confirmed by this Court in W.P. No. 17931/2011 and connected matters in my considered opinion, interest of justice will be met, if this matter is also remitted to the original authority. By the said process, no prejudice or injustice will be caused to either of the parties. In the mean-while, the second respondent shall be permitted to operate the services till the decision is taken by the original authority.

4. Accordingly, the following order is made:-

Impugned order is quashed, Matter is remitted to the first respondent for fresh consideration of the matter In accordance with law. The original authority shall take into consideration the joint survey report vide Annexure-B while taking decision in the matter, after hearing the petitioner as well as respondent No. 2, Till such time, the second respondent is permitted to operate the services.

5. Accordingly, writ petition is disposed of.