
(2013) 07 KAR CK 0240

In the Karnataka High Court

Case No : Writ Petition No's. 47243-247 of 2012 (MV) and WP No's. 17579-583 of 2013 and 17584-587 of 2013 (MV)

The Managing Director K.S.R.T.C.

APPELLANT

Vs

Sri. Ratinam and Others

RESPONDENT

Date of Decision : 25-07-2013

Acts Referred:

Citation : (2013) 07 KAR CK 0240

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : B. Phalakshaiah, for B. Phalakshaiah and Assts, for the Appellant;
B.R.S. Gupta, for R1-14 Notice Not Ordered in R/o R-15, for the Respondent

Final Decision : Disposed Off

Judgement

A.N. Venugopala Gowda, J.—Applications filed by respondents 1 to 14 for grant of stage carriage permit for the route Gandlahalli to Petechamanahalli were considered in the meetings of the 15th respondent held on 14.10.2011 and 22.10.2011 and it was resolved to reject the applications on the ground that the route in question was overlapping the Kolar Pocket Scheme at Bangarpet to KGF Main Road to an extent of 0.1 km. The said rejection was called in question in Appeal Nos. 1159 to 1172/2012 on the file of the KSTAT. The Tribunal by an order dated 27.08.2012, allowed the appeals and remanded the matter to the 15th respondent to consider afresh. Respondents 1 to 14 are operating the services on the strength of the interlocutory orders passed during the year 2006. Assailing the judgment of remand passed by the KSTAT, these writ petitions have been filed. Sri. B. Phalakshaiah, learned Advocate for the petitioner, firstly contended that, the Tribunal has committed error and illegality in allowing the operation of services by the appellants before it and secondly, in not fixing the date, within which the STA should take decision in the matter.

2. Sri. B.R.S. Gupta, learned Advocate for respondents 1 to 14, on the other hand, supported the view taken by the Tribunal and sought dismissal of the writ

petitions.

3. Sri. T.K. Vedamurthy, learned HCGP submitted that the 15th respondent would take the decision in the matter in its next meeting.

4. The ground which has persuaded the Tribunal to interfere with the impugned resolution has been shown in para 11 of the judgment. The factual aspect which the Tribunal has pointed out, needs to be examined by the STA. In the circumstances, no exception can be taken for the order of remand, directing the STA to reconsider the matter afresh i.e., in the light of the observations made in the judgment of the Tribunal.

5. Indisputedly, respondent Nos. 1 to 14 have been operating services from 2006 onwards.-. If that be so, no exception can be taken for the Tribunal in not putting an end to the operation of services by the appellants before it, who had the benefit of an interim order even during the pendency of the appeals. However, the Tribunal ought to have fixed the time limit, within which the STA should take the decision. Only to the said extent, interference in these petitions is warranted.

In the result, writ petitions are disposed of. The 15th respondent shall consider the matters pursuant to the judgment of remand of the Tribunal, in its next meeting or within a period of two months, whichever is earlier.

No costs.