

(1997) 01 SC CK 0111

In the Supreme Court Of India

Case No : Civil Appeal No's. 476-477 with 478 of 1997

Thirumalai Transport Service

APPELLANT

Vs

P. Samiappa Gounder and others
P. Samiappa Gounder
Vs Regional Transport Authority, Periyar District and Erode,
Tamil Nadu

RESPONDENT

Date of Decision : 24-01-1997

Acts Referred:

Central Motor Vehicles Rules, 1989 — Rule 155A(6)

Citation : AIR 1997 SC 1029 : (1997) AIRSCW 1011 : (1997) 2 JT 105 : (1997) 2 LW 815 : (1997) 2 MLJ 83 : (1997) 1 SCALE 535 : (1997) 3 SCC 510 : (1997) 1 SCR 526

Hon'ble Judges : K. Ramaswamy, J;G. T. Nanavati, J

Bench : Division Bench

Final Decision : dismissed

Judgement

1. Leave granted.

2. We have heard learned Counsel for the parties.

3. There was no order passed or action pursued in terms of Rule 155A(6) of the Motor Vehicles Rules which envisages that the authority is required to draw up the proceedings to consider the merits and demerits of the applications and to give reasons for grant of the permit. The Division Bench of the High Court has pointed out in the impugned judgment 28th June, 1996 that since no reasons were recorded in the proceedings purported to have been held on 9th May, 1984, order dated August 1, 1984 passed by the Regional Development Authority the grant of permit was not valid and being a nullity it is non est. The High Court has observed as under:

We have pointed out that records do not contain any proceedings or any reasons except the order as notified which has already been extracted. There is no disagreement between the parties regarding non-existence of the proceedings containing reasons for selecting the first respondent and rejecting the other

applications.

4. In view of the above finding all the contentions raised on the legality of the Division Bench judgment, based thereon, per force do not arise. Accordingly, we do not find from this perspective, any illegality in the judgment passed by the Division Bench warranting interference.

5. As regards C. A. No. 478 of 1997 @ SLP (C) No. 23207 of 1996, the High Court has dismissed the writ petition holding that the entire proceedings is a nullity. Under those circumstances, no writ can be issued as was sought for.

6. The appeals are accordingly dismissed. No costs.