

(2014) 03 KAR CK 0229
In the Karnataka High Court
Case No : W.P. Nos. 4123-26/2014 (MV-)

T.M. Ganeshan

APPELLANT

Vs

The Karnataka State Transport Authority

RESPONDENT

Date of Decision : 07-03-2014

Acts Referred:

Citation : (2014) 03 KAR CK 0229

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Shailendra B.R., Advocate for the Appellant; I. Tharanath Poojary, AGA for R1, Sri Harish Kumar, Advocate for R2 and Sri. L.T. Gopal, Advocate for R3, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

B.S. Patil, J.—In these writ petitions, petitioners are challenging Annexures-E to H resolutions dated 28.09.2013 and the decision pronounced on 16.11.2013 by the 1st respondent to obtain joint route survey report from the RTO, Chitradurga before passing any order on the request made for grant of permits in respect of the routes (1) Challakere to Hosadurga and back (2) Challakere to Kottur School Circle and back and (3) Challakere to Bande Thimmalapura and back.

2. Representatives of the KSRTC and the private operators who appeared before the respondent had sought for conducting joint route survey for the routes mentioned in the applications submitted by the petitioners. They relied on certain judgments. They also contended that the proposed routes overlapped Bellary Scheme for a distance of 1 km. They also urged that the routes in question overlapped Bangalore scheme for a distance of 38.8 kms.

3. Having noticed the objections raised by the objectors, the respondent-Karnataka State Transport Authority has passed the impugned orders directing to obtain joint route survey report from the RTO, Chitradurga. Aggrieved by the said orders produced at Annexures-E, F, G and H, petitioners are before this

Court.

4. Sri Shailendra. B.R., learned counsel appearing for the petitioners submits that in respect of identical routes, there has been already joint route survey conducted, therefore, there is no necessity for conducting another joint route survey. He places reliance on the joint route survey conducted vide Annexure-K. Therefore, he submits that there is no need for another joint route survey in respect of the very route. He further points out that any such effort to secure one more joint route survey will unnecessarily delay consideration of the applications filed by the petitioners.

5. Learned Additional Government Advocate submits that joint route survey is required to be conducted as there will be invariably overlapping because the routes pass through different villages. Reliance is placed on the circular dated 19.07.2008 issued by the State Government in this regard.

6. Learned counsel for the petitioners refers to the judgment in the case of K. Anantharaju Vs. The Regional Transport Authority, Bangalore Central and Others, to contend that it has been ruled that wherever common routes are involved the applications could be consolidated and common route survey conducted.

7. The principle laid down in the above judgment will not apply to the instant case as the joint route survey has already been conducted without clubbing the applications of the petitioners. The applications filed by the petitioners are to be considered now.

8. As it is asserted by the respondents that there is overlapping of the routes. I do not find any justification in the contention urged by the learned counsel for the petitioners that the RTA has to be directed to consider the applications without conducting joint route survey. The apprehension expressed by the petitioners that consideration of their applications may be indefinitely delayed can be addressed by directing the 1st respondent to conduct the joint route survey within a period of two months from the date of receipt of a copy of this order and pass necessary orders thereafter within a further period of one month.

Petition is therefore disposed of declining to interfere with the order passed but with a direction to the RTA to conduct the joint route survey within two months from the date of receipt of a copy of this order and to pass a final order in the matter on or before the end of June 2014.