

Basant Roadways vs State Transport Appellate Tribunal 7 ... on 30 September, 1986

Equivalent citations: 1987 AIR 116, 1986 SCR (3)1002, AIR 1987 SUPREME COURT 116, 1987 BLT (REP) 39, (1987) PAT LJR 6, 1987 ALL CJ 234.1, 1987 (1) UJ (SC) 10, (1986) JT 605 (SC), 1987 (1) GUJLH 316 (1), ILR 1986 KANT 3634, 1986 (4) SCC 504, (1987) 1 GUJ LH 316(1), (1987) JAB LJ 325

Author: E.S. Venkataramiah

Bench: E.S. Venkataramiah, G.L. Oza

PETITIONER:

BASANT ROADWAYS

Vs.

RESPONDENT:

STATE TRANSPORT APPELLATE TRIBUNAL 7 ORS.

DATE OF JUDGMENT 30/09/1986

BENCH:

VENKATARAMIAH, E.S. (J)

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OZA, G.L. (J)

CITATION:

1987 AIR 116	1986 SCR (3)1002
1986 SCC (4) 504	JT 1986 605
1986 SCALE (2)587	

ACT:

Constitution of India, Art. 136-Interim orders of High Court-No Interference in Special Leave Petitions.

Motor Vehicles Act, 1939, s. 57-Practice of granting of temporary permits repeatedly to ply stage carriages deprecated.

HEADNOTE:

In a petition for special leave against an interim order of the High Court,

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HELD: (1) As the special leave petition is filed against an interim order of the High Court, this Court does

not propose to interfere. [1003B]

(2.1) The practice of granting of temporary permits repeatedly to ply stage carriages for short periods even when it is made out that there is a grave need for increasing the number of regular services on the routes in question in the public interest is deprecated. In many cases this practice has led to undesirable results. [1003B-C]

(2.2) The proper action to be taken by the Regional Transport Authorities in such cases is to grant regular permits in accordance with law either by inviting applications for grant of permits or on the applications made by intending operators suo motu under s. 57(2) of the Motor Vehicles Act, 1939. [1003C-D]

JUDGMENT:

CIVIL APPELLATE JURISDICTION: Special Leave Petition From the Judgment and Order dated 12th September, 1986 of the Madhya Pradesh High Court in M.P. No. 2845 of 1986.

B.K. Rawat, M.K. Dua, Aman Vachher and S.K. Mehta for the Petitioners.

The following Order of Court was delivered ORDER Since this petition is filed against an interim order we do not propose to interfere with the order of the High Court. The Petition is dismissed.

We, however, deprecate the practice of granting of temporary permits repeatedly to ply stage carriages for short periods even when it is made out that there is a grave need for increasing the number of regular services on the routes in question in public interest. In many cases this practice has led to undesirable results. In all such cases the proper action to be taken by the Regional Transport Authorities is to grant regular permits in accordance with law either by inviting applications for grant of permits or on the applications made by intending operators suo motu under section 57(2) of the Motor Vehicles Act, 1939. We hope that the Regional Transport Authorities will take necessary steps in accordance with law in respect of all the routes to alleviate the suffering of the travelling public.

M.L.A.

Petition dismissed.