

PETITIONER:
BASANT ROADWAYS

Vs.

RESPONDENT:
STATE TRANSPORT APPELLATE TRIBUNAL 7 ORS.

DATE OF JUDGMENT 30/09/1986

BENCH:
VENKATARAMIAH, E.S. (J)
BENCH:
VENKATARAMIAH, E.S. (J)
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 (Civil) No. 11638 of 1986

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.

1003

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.

1004