

1977 KHC 854

Supreme Court

**V. R. Krishna Iyer; A. C. Gupta, JJ.*

M. Chinnaswamy v. M/s. Dhandayuthanpani Roadways (P) Ltd.

C. A. No. 1710 of 1968

13 January, 1977

Motor Vehicles Act, 1939, S.47, S.48 - Motor Vehicles -- Permit to be granted, only one -- Either by orders of court or other authority, both parties allowed to ply their buses on the route -- Although the permit to be granted was only one, but by orders of Court or other authority both the parties had been allowed to ply their buses -- For the last 16 years, both the parties had been plying their stage carriages on the said route -- Direct that the status quo of the both parties being allowed to ply their stage carriages on the route taking appropriate permits from the authorities concerned will continue. (Para 1)

JUDGMENT

V. R. Krishna Iyer, J.

1 This appeal relates to the award of a stage carriage permit on the route Gopichattipalayam to Mambur. Before the Regional Transport Authority the predecessor of the appellant was awarded the permit on January 15, 1959. But in appeal the State Transport Appellate Tribunal upset this award by its order dated March 11, 1960. Thereafter, the matter was taken up to the High Court in writ jurisdiction and the learned single Judge restores the permit awarded by the Regional Transport Authority; but the fluctuating fortunes of the litigation proved at the writ appeal stage that the permit should go to the respondent's predecessor. It is represented by Shri M. K. Ramamurthi appearing for the appellant that from about 1960, for the last 16 years, both the parties had been plying their stage carriages on the said route. Although the permit to be granted was only one, but by orders of court or other authority both the parties had been allowed to ply their buses. It seems to be so obvious that in public interest if two stage carriages have been plying on the route for the last 16 years there is no reason to confine it to one. Both sides agree that there is necessity for two permits on the route. In that view we consider the dispute to be academic. We direct that the status quo of the both parties being allowed to ply their stage carriages on the route taking appropriate permits from the authorities concerned will continue. With this direction, the appeal is dismissed. There will be no order as to costs.
