

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2017

BEFORE

THE HON'BLE MRS.JUSTICE S.SUJATHA

W.P.No.8710/2017 c/w
W.P.Nos.9093, 11486 & 14468 – 14469/2017 (MV)

IN W.P.No.8710/2017:

BETWEEN :

1. P.R.SRIRANGA
S/O LATE P.M.RANGANATH
AGE 49 YEARS
HANUMAN MOTOR SERVICE
SIRA TOWN
TUMKUR DISTRICT-572137
 2. C.LAKSHMINARAYANA RAO
S/O LATE HANUMANTHA RAO
AGE 57 YEARS,
BALAJI RAO STREET
TUMKUR-572101

(BY SRI M.E.NAGESH, ADV.)

AND:

1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
CHIKKAMAGALUR-577101
 2. SMT.SHABEEN TAJ
W/O M.D.ALIM @ MOHAMMED ALIM
MAJOR, KOBRIPET, HOSADURGA
CHITRADURGA DISTRICT-577527
 3. N.SIDDARAMAPPA
S/O LATE K.NINGAPPA

AGED ABOUT 68 YEARS
PROP. S.R.M.S.,
NEAR BASAVESWARA CIRCLE
KADUR, CHIKKAMANGALORE DIST.

4. D.V.SUBRAMANYA
S/O D.C.VIJEYENDRAIAH
AGED ABOUT 61 YEARS,
R/AT 398, 42ND CROSS, 9TH MAIN
5TH BLOCK, JAYANAGAR
BANGALORE-560041.

(CAUSE TITLE AMENDED VIDE
COURT ORDER DATED 31.05.2017) ...RESPONDENTS

(BY SRI VIJAYAKUMAR A. PATIL, AGA FOR R-1;
SRI R.LOKESH, ADV. FOR R-2;
SRI A.ANAND SHETTY, ADV. FOR R-3 & R-4.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND QUASH THE ORDER PASSED BY THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, CHIKKAMAGALUR DATED 14.02.2017 IN SUBJECT NO.RTA 1/VER 02/2011-12 AS PER ANNX-C.

IN W.P.No.9093/2017:

BETWEEN :

SMT.G.H.BHAGYA LAKSHMI
W/O P.R.MANJUNATH,
AGE 45 YEARS,
HANUMAN MOTOR SERVICE,
SIRA TOWN,
TUMKUR DISTRICT-572137 ...PETITIONER

(BY SRI B.R.SHAILENDRA, ADV.)

AND :

1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY

CHIKKAMAGALUR-577101

2. SMT.SHABEEN TAJ
W/O M.D.ALIM @ MOHAMMED ALIM,
KOBRIPET, HOSADURGA
CHITRADURGA DISTRICT-577527 ...RESPONDENTS

(BY SRI VIJAYAKUMAR A. PATIL, AGA FOR R-1;
SRI R.LOKESH, ADV. FOR R-2.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND QUASH THE ORDER PASSED BY THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, CHIKKAMAGALUR DATED 14.02.2017 IN SUBJECT NO.RTA 1/VER 02/2011-12 AS PER ANNX-C.

IN W.P.No.11486/2017:

BETWEEN :

- SRI T.JAYACHANDRA
S/O T.M.THIMMAIAH
AGED ABOUT 52 YEARS,
PROP: SIDDESHWARA MOTOR SERVICE,
THIMMANAHALLI,
CHIKKANAYAKANAHALLI,
TUMKUR DISTRICT. ...PETITIONER

(BY SRI A.S.PARASARA KUMAR, ADV.)

AND :

1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
CHIKKAMAGALUR-577101
2. SMT.SHABEEN TAJ
W/O M.D.ALIM @ MOHAMMED ALIM,
MAJOR, KOBRIPET, HOSADURGA
CHITRADURGA DISTRICT-577527 ...RESPONDENTS
- (BY SRI VIJAYAKUMAR A. PATIL, AGA FOR R-1;
SRI R.LOKESH, ADV. FOR R-2.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND QUASH THE ORDER PASSED BY THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, CHIKKAMAGALUR DATED 14.02.2017 VIDE ANNEX-C.

IN W.P.Nos.14468 – 14469/2017:

BETWEEN :

1. SRI G.RAMAKRISHNA
S/O SRI GIRIYAPPA
AGEE ABOUT 46 YEARS, PROPRIETOR
SRI BALAJI TRANSPORTS
SIRA, TUMAKURU DISTRICT-572 137

2. SRI P.R.MANJUNATH
S/O SRI P.M.RANGANATH
AGED ABOUT 55 YEARS, PROPRIETOR
HANUMAN MOTOR SERVICE
SIRA, TUMAKURU DISTRICT-572137 ...PETITIONERS

(BY SRI B.R.S.GUPTA, ADV.)

AND :

1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
CHIKKAMAGALUR-577101

2. Ms. SHABEENA TAJ
W/O Mr. M.D.ALIM @ MOHAMMED ALIM,
MAJOR BY AGE, KOBRIPET,
HOSADURGA
CHITRADURGA DISTRICT-577527 ...RESPONDENTS

(BY SRI VIJAYAKUMAR A. PATIL, AGA FOR R-1;
SRI R.LOKESH, ADV. FOR R-2.)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER OF THE R-1 DATED 14.2.2017 AT ANNEX-C.

THESE PETITIONS COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING:

O R D E R

Since common issue is involved in all these petitions, the same are heard together and disposed of by this common Judgment.

2. In these petitions, the petitioners have challenged the order passed by the Secretary, Regional Transport Authority, Chikmagalur dated 14.2.2017 in Subject No.RTA 1/Ver 02/2011-12 as per Annexure-C to the writ petitions.

3. The 2nd respondent, owner of stage carriage permit No.35/2003-04 has filed an application for variation of condition of permit by way of revision of timings. It is contended that the permit holder was not operating the vehicle; the vehicle covered under the permit was under lease agreement. Hence, variation of conditions of permit was objected to by the operators.

The RTA passed a conditional order directing the Secretary, RTA to verify the operation of service and hold timings meeting with notice to the existing operators. It is the grievance of the petitioners that the order passed by the RTA was not scrupulously complied with by the Secretary while conducting the timings meeting and assigning the timings by variation of conditions of permit of the 2nd respondent. It is the specific contention that the subject of the 2nd respondent was not in the agenda of the meeting held on 14.2.2017. The Secretary assigned the timings to the subject of the 2nd respondent without verifying the fact of operation of the service of the 2nd respondent, as directed by the RTA and without issuing notice to the existing operators, which has seriously affected the services of the petitioners. Hence, these petitions challenging the order of the Secretary, assigning the timings.

4. Heard the learned counsel appearing for the parties and perused the material on record. It is evident from the timings meeting notice dated 25.1.2017 that five subjects were listed for assigning the timings. The subject of the 2nd respondent is not figured in the said list. The Secretary proceeded to pass orders on 14.2.2017 assigning the timings to the 2nd respondent without issuing notice to the other existing operators, much contrary to the orders passed by the RTA. The order impugned herein is against the principles of natural justice. It is necessary for the quasi judicial authorities to strictly adhere to the principles of natural justice in order to maintain the fair action and the confidence of the public at large and the existing operators in particular. Any order passed assigning the timings, without notifying the other operators, would be a void order which necessarily warrants interference by this court.

5. Hence on this ground alone, the impugned order dated 14.2.2017 is liable to be set-aside and is accordingly set-aside. The matters are remanded to the Secretary, RTA to reconsider the same after issuance of notice to the existing operators and assign the timings after hearing the existing operators. This exercise shall be done by the Secretary, as expeditiously as possible within a period of four weeks from the date of receipt of the certified copy of the order. Till then, the 2nd respondent shall operate the services as per the existing timings.

In view of the disposal of the writ petitions, all the pending applications are consigned to file.

**Sd/-
JUDGE**

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