

VIKRAM SHITOLE AND ANR.

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v.

THE M.P. STATE ROAD TRANSPORT  
CORPORATION AND ORS.

DECEMBER 11, 1996

B

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

*Motor Vehicles Act, 1939 : Section 68D(3).*

*Notified Route—Approved route published under Section 68D(3)—Subsequently "Self Employment Scheme" framed—Under the scheme unemployed graduates permitted to operate stage carriages on notified route subject to terms and conditions—Appellant's permit cancelled as he did not comply with terms and conditions—Writ—Dismissal by High Court—Appeal—Held in a notified frozen route no private operator is entitled to ply the stage carriage—In this case, the State Road Transport Corporation had the permits obtained—Therefore, under the notified scheme no one except it shall exclusively ply the stage carriages on the notified route in terms of the scheme itself—The self-employment scheme therefore, is obviously illegal—Dismissal of writ petition by High Court was not vitiated by any error of law.*

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*Brij Mohan Parihar Etc. v. M.P. State Road Transport Corporation & Ors. Etc. [1987] 1 SCC 13, referred to.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 811 of 1986.

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From the Judgment and Order dated 13.1.86 of the Madhya Pradesh High Court in Misc. P.No. 572 of 1985.

M.N. Krishnamani and Pravir Choudhary for the Appellants.

Rajinder Narain & Co. (NP) for the Respondents.

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The following Order of the Court was delivered :

This appeal by special leave arises from the judgment of the Madhya Pradesh High Court, Gwalior Bench in Miscellaneous Petition No. 572 of 1985 dated January 13, 1986.

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A The admitted position is that the route in question, i.e., Gwalior to  
 Indore, was notified under Chapter IV-A of Motor Vehicles Act ("Act 4  
 of 1939", for short) which has been repealed and re-enacted by Motor  
 Vehicles Act, 1988). After the approved route was published under Section  
 68D(3), a scheme was framed under which unemployed graduates were  
 B permitted under "self-employment scheme" to operate the stage carriages  
 on the notified route subject to certain terms and conditions. It would  
 appear that the appellants did not comply with the said terms and condi-  
 tions as a result of which their permits were cancelled by the authorities.  
 Calling the action in question the appellants filed a writ petition. The High  
 Court has dismissed the said writ petition. Thus, this appeal by special  
 C leave.

The controversy is no longer *res integra*. It is settled legal position  
 that once notification under sub-section (3) of Section 68-D of the Act is  
 published in the Gazette, all the pre-existing operators shall cease to  
 operate on the frozen routes except in accordance with the terms and  
 D conditions mentioned in the scheme itself which is law by itself. If the State  
 Road Transport Corporation fails to obtain permit, power has been  
 granted to STA/RTA to grant temporary permit until S.R.T.C. obtains  
 regular permits. In this case, admittedly, the State Road Transport Cor-  
 poration had the permits obtained and that, therefore, under the notified  
 scheme no one except the State Road Transport Corporation shall ex-  
 E clusively ply the stage carriages on the notified route in terms of the scheme  
 itself. The self-employment scheme therefore, is obviously illegal. This  
 court in the case of *Brij Mohan Parihar Etc. v. M.P. State Road Transport  
 Corporation & Ors. Etc.* [1987] 1 SCC 13, considered this aspect of the  
 matter and in paragraph 3 of the judgment it was held that it is not,  
 F however, permissible under the Act for the Corporation to obtain a permit  
 under Chapter IV-A of the Act and to allow a private operator as its  
 nominee to operate under that permit his motor vehicle as a stage carriage  
 on the notified route. It cannot be granted permission to collect any money  
 either as nomination fees or as royalty or supervision charges. Thus, it  
 would be seen that in a notified frozen route no private operator is entitled  
 G to ply the stage carriage. Accordingly, we hold that dismissal of the  
 appellants' writ petition by the High Court is not vitiated by any error of  
 law warranting interference.

The appeal is accordingly dismissed. No costs.

H T.N.A.

Appeal dismissed.