

A PUNE TAXIMEN'S CONSUMER CO-OPERATIVE SOCIETY LTD.
v.
THE REGIONAL TRANSPORT AUTHORITY, BOMBAY AND ORS.

NOVEMBER 17, 2006

B [ARIJIT PASAYAT AND LOKESHWAR SINGH PANTA, JJ.]

C *Constitution of India, 1950—Article 226—Writ petition by a Taxi men's Consumer Society for certain directions to Regional Transport Authority—High Court directing the Transport Authority to implement the recommendations and resolution made by its sub-committee and also directing the State Transport Appellate Authority to dispose of the appeal filed by the consumer society expeditiously—Challenge to—Held: Dispute before the State Transport Appellate Tribunal was totally unconnected with the subject matter of dispute in the writ petition—The order of the High Court is totally confusing—Hence, the High Court is directed to hear the matter afresh and pass necessary orders—Directions issued.*

E Appellant, a registered Society and its members filed a writ petition for directions to the respondents to implement certain recommendations made by the sub-Committee appointed by Respondent No.1-Regional Transport Authority and to implement the Resolution. The High Court noted the undertaking given by the appellant and directed respondent No.1 to ensure that the Resolution is fully implemented; that the recommendation of the Sub-Committee should be implemented fully; and also directed that the State Transport Appellate Tribunal (STAT) to dispose of the appeal filed by the appellant as expeditiously as possible. Hence the present appeal.

F Appellant contended that the High Court was totally confused about the issues and the reliefs sought for in the petition; that the appeal then pending before STAT had nothing to do with the issues involved in the petition; and that even otherwise the writ petition could not have been disposed of in the manner done; and that even the basic grievances and respective stand have not been discussed.

G Disposing of the appeal, the Court

H HELD: The dispute before the State Transport Appellate Authority was totally unconnected with the subject matter to dispute in the writ petition. As

the High Court's order is totally confusing and even does not indicate any reason for arriving at various conclusions, it would be appropriate for the High Court to re-hear the matter and to consider the respective stand of the parties and pass necessary orders. [148-H; 149-A-B] A

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5022 of 2006. B

From the final Judgment and Order dated 28-9-2004 of the High Court of Judicature at Bombay in Writ Petition No.2207/2004.

Pravin Statale and Naresh Kumar for the Appellant.

Shrikant Pareshnath Hathi, Ravindra K. Adsure and V.N. Raghupathy for the Respondents. C

The Judgment of the Court was Delivered by

ARIJIT PASAYAT, J. Leave granted.

Appellant calls in question legality of the judgment in writ petition No. 2207 of 2004 decided on 28.9.2004 by a Division Bench of the Bombay High Court. Respondent No.5, a Society registered under the Trade Unions Act, 1926 (in short the 'Act'), and its members filed the writ petition for a direction to the respondents to implement recommendations made by the sub-committee appointed by Regional Transport Authority (in short the 'RTA') (Respondent No.1). They also prayed that the respondents be directed to implement the Resolution dated 4.2.2004 passed in a meeting under the Chairmanship of respondent No.1-RTA. The High Court noted the undertaking given by the Pune Taximen's Consumer Co-operative Society Ltd. (in short the 'Pune Society'), the present appellant to shift Gala Nos.P-49 to P-52 within a period of two weeks. It directed the RTA to ensure that Resolution No.15 dated 4.2.2004 is fully implemented. Direction was also given to ensure that the recommendation of the sub-committee was implemented fully. D E F

Learned counsel appearing for the Pune Society-present appellant had submitted before the High Court that their appeal was pending before the State Transport Appellate Tribunal (in short the 'STAT'). G

By the impugned order, the High Court directed the STAT to dispose of the appeal as expeditiously as possible preferably within three months from the date of order. It was stated that the shifting of appellant-Pune Society H

A (Respondent No. 5 before the High Court) to the Gala would be without prejudice to the rights and contentions in the appeal pending before the STAT.

B Learned counsel for the appellant submitted that the High Court was totally confused about the issues and the reliefs sought for. The appeal then pending before STAT had nothing to do with the issues involved. Though the Brihan Mumbai Mahanagar Palika (in short 'Mahanagar Palika') was a party before the High Court, it is not clear as to whether the Gala nos. P-49 to P-52 have been handed over. The so-called concession is without instruction and even otherwise the writ petition could not have been disposed of in the manner done. Even the basic grievances and respective stand have not been discussed.

C It appears that the learned counsel appearing for the appellant-Pune Society stated by way of an undertaking before the High Court that shifting to Gala P-49 to P-52 shall be done within a period of two weeks from the date of order.

D On 25.10.2004 on the basis of the statement made by learned counsel appearing for the appellant, it was observed that the question as to what would happen when Gala was made available to the appellant shall be considered in this appeal. The statement of respondent No.5 (present appellant) that shifting shall be done to Gala P-49 to P-52 within a period of two weeks was really of not much relevance.

E The High Court's order seems to be totally confusing. The undertaking by learned counsel appearing for respondent No.5 to act within a particular time was really, as noted above, has no relevance. The Gala Nos. P-49 to P-52 were, according to appellant, to be given by the Brihan Mumbai Municipal Corporation. It is stated by learned counsel for the appellant that Gala Nos. 14 to 18 and A2 were to be first allotted by the Mahanagar Palika. The members of the appellant-society had not been given the galas though according to it all conditions were fulfilled.

F G Learned counsel for the State supported the order of the High Court stating that the appellant had been given necessary protection.

H It is to be further noted that the dispute before the STAT was totally unconnected with the subject matter of dispute in the writ petition. As the

High Court's order is totally confusing and even does not indicate any reason **A**
for arriving at various conclusions, it would be appropriate for the High Court
to re-hear the matter. It shall consider the respective stand of the parties and
pass necessary orders.

The appeal is accordingly disposed of. No costs.

S.K.S.

Appeal disposed of. **B**