

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1202 OF 1999

The Deputy Regional Transport Officer
Sangli & Ors.

....Petitioners

V/S

Nitinkumar Balkrushna Patil & Ors.

....Respondents

Ms. M.S. Bane, AGP *for the Petitioners / State.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 17 JANUARY 2025.**

P.C.:

1. By this Petition, the Deputy Regional Transport Officer, Sangli, is aggrieved by the order dated 20 November 1998 passed by the Presiding Officer, State Transport Appellate Tribunal, Maharashtra State, Mumbai, (**Tribunal**) by which the Tribunal has directed issuance of necessary contract carriage permits to the Respondents.

2. The Petition was admitted by order dated 18 September 2001 and the order passed by the Tribunal was stayed. Despite service of Rule on Respondent No.1, he has failed to appear. It appears that Respondent No.1 is no longer interested in defending the order passed by the Tribunal.

3. The issue before the Tribunal was whether it was permissible to grant contract carriage permits in respect of vehicle Bajaj Matador for 9+1 sitting capacity. By recording a finding that Bajaj Matador vehicle was safer than a jeep or jeep type vehicle, the Tribunal allowed the Appeal preferred by Respondent No.1 and directed issuance of contract carriage permits to him to operate the Bajaj Matador vehicle with sitting capacity of 9+1.

4. As of now the vehicles manufactured by Bajaj Matador model are no longer plying on the road and in that sense the issue involved in the present Petition has become academic. Respondent No.1 has also not shown any interest in defending the present Petition. The impugned order has remain stayed for the last 24 long years, on account of which apparently the contract carriage permit for Matador vehicle to operate with 9+1 sitting capacity has not been issued. In that view of the matter, it would be appropriate to set aside the impugned order dated 20 November 1998 passed by the Tribunal. Accordingly judgment and order dated 20 November 1998 passed by the Presiding Officer, State Transport Appellate Tribunal, Maharashtra State, Mumbai, in Appeal No.322 of 1998 is set aside. Rule is made absolute. No costs.

(SANDEEP V. MARNE, J.)

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