HC-KAR

NC: 2025:KHC:53076
WP No. 35886 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.35886 OF 2025 (MV)

BETWEEN:

SRI M.N. VEERENDRAPATIL
S/O. LATE P.C. NAGANNAGOWDA,
AGED ABOUT 61 YEARS,
R/O. MEDAKINAKERE POST,
JAGALUR TALUK,
DAVANAGERE DISTRICT-577 553.

...PETITIONER

(BY SRI R. LOKESH., ADVOCATE)

AND:

1. THE REGIONAL TRANSPORT AUTHORITY,
DEVARAJ URS LAYOUT,
OPP. SUPERINTENDENT OF POLICE,
DAVANAGERE-577 006.
REP. BY ITS CHAIRMAN.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
DEVARAJ URS LAYOUT,
OPP. SUPERINTENDENT OF POLICE,
DAVANAGERE-577 006.

3. SMT. A. SUBBARATHNAMMA
W/O. LATE A. SUBRAMANYA,
AGED ABOUT 65 YEARS,
PROP: GAYATHRI MOTORS,
GAYATHRI NILAYA, HOLALKERE ROAD,
CHITRADURGA-577 007.

4. THE MANAGING DIRECTOR,
KARNATAKA STATE ROAD

Digitally signed by
MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA

TRANSPORT CORPORATION,
K.H. ROAD, SHANTHINAGAR,
BANGALORE-560 027.

…RESPONDENTS

(BY SRI HARISHA A.S., AGA FOR R-1 & R-2;
SRI C. MOHAMMED SABHANULLA SHARIFF, ADVOCATE FOR R-3;
SRI T. HARISH BHANDARY, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS; QUASH THE ORDER OF THE TRIBUNAL PASSED IN APPEAL NO.19/2025 DATED 28.07.2025 IN ALLOWING THE APPEAL AND DIRECTING THE 2ND RESPONDENT TO ISSUE THE RENEWAL OF PERMIT ENDORSEMENT AND REPLACEMENT WITHIN 30 DAYS FROM THE DATE OF THE ORDER DATED 28.07.2025 VIDE ANNEXURE-P AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioner, an existing stage carriage operator, has approached this Court calling in question the legality of the orders dated 28.07.2025 and 14.08.2025 passed by the Karnataka State Transport Appellate Tribunal in Appeal Nos.19/2025 and 20/2025 respectively, whereby the appeals filed by respondent No.3 were allowed without impleading or hearing the petitioner, though the petitioner is directly affected by the said orders.

Brief facts:

2. The petitioner is holding a valid stage carriage permit on the route Challakere-Shivamogga and back, which has been periodically renewed and is in force.

3. Respondent No.3 was the holder of the stage carriage permit No.11/98-99, which expired on 16.11.2018. Though a renewal order was passed on 20.01.2020, it was conditional upon obtaining endorsement within 30 days, which was never complied with. Consequently, the permit was never endorsed nor operated for several years. A fresh renewal application filed by respondent No.3 in October, 2023 was rejected by the Regional Transport Authority on 28.11.2024. Challenging both orders, respondent No.3 filed appeals before the Tribunal in the year 2025, after an inordinate delay of nearly 5-6 years. The Tribunal condoned the delay and allowed the appeals by the impugned orders, without impleading the petitioner, whose existing service and

timing stand directly affected by revival of the permit in favour of respondent No.3.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Learned counsel for the petitioner contends that he is an existing operator on the same route and revival of a long expired and non-operational permit directly affects his legal and operational rights. The Tribunal committed a serious error in allowing the appeals and as per the mandatory procedure under Rule 90 of the Central Motor Vehicles Rules, 1989 ('the Rules' for short), the Tribunal neither called for record nor ensured hearing of affected parties. The delay of several years was condoned mechanically, without examining the effect of non-operation and lapse of conditional renewal order dated 20.01.2020.

6. *Per contra*, learned counsel appearing for respondent No.3 sought to justify the delay and contended

that the renewal ought to have been given effect to and that the terminal was justified in granting relief.

7. This Court has carefully considered the rival contentions and perused the material on record.

8. This Court finds that the petitioner, though not a party to the appeals before the Tribunal, is an affected and aggrieved person, being an existing operator on the same road. Any order reviving or renewing a stage carriage permit after several years of non-operation inevitably impacts existing operators and the traveling public.

9. The Tribunal has allowed the appeals without impleading or issuing notice to the petitioner, thereby violating the principles of natural justice. Further, the Tribunal has proceeded to condone an inordinate delay and grant substantive relief without first adjudicating the delay on merits and without examining or calling for the

original records as required under Rule 90 of the Rules 1989.

10. The effect of non-compliance with the conditional renewal order dated 20.01.2020 and the prolonged non-operation of the vehicle were not examined. These issues go to the root of the matter and requires consideration after hearing all the affected parties. For the aforesaid reasons, the impugned orders cannot be sustained and this Court pass the following:

ORDER

i. The writ petition is ***allowed***.

ii. The impugned orders dated 28.07.2025 and 14.08.2025 passed by the Karnataka State Appellate Tribunal in Appeal Nos.19/2025 and 20/2025 respectively, are hereby ***set aside.***

iii. The matter is remitted back to the Tribunal for fresh consideration, in accordance with law.

iv. Parties shall appear before the Tribunal on ***13.01.2026.***

v. The petitioner is permitted to file an application for impleadment and the Tribunal shall consider the same in accordance with law.

vi. The Tribunal shall first consider and decide the application for condonation of delay, if any, after hearing all parties.

vii. All contentions of the parties are kept open.

viii. The Tribunal is directed to dispose of the appeal, expeditiously, preferably within three months from the date of appearance.

Sd/-

JUDGE

JUSTICE K.S. HEMALEKHA

MBM
LIST NO.: 1 SL NO.: 3