

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 8692 OF 2025



Between:

R. V. Subhash Chandra Bose, Age 73 years, S/o Late R.Venkatesam Chetty, R/o H.No.12/122, Javali Street, Palamneru, Chittoor District, Andhra Pradesh.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Transport Roads & Buildings Department, AP Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The State Transport Authority, Rep. By Its Commissioner, Vijayawada, Andhra Pradesh.
3. The Transport Commissioner, RTC House 3rd Floor, NTR Administrative Block, Vijayawada - 520013
4. The Joint Transport Commissioner Secretary, State Transport Authority, Vijayawada, Andhra Pradesh.
5. The Deputy Transport Commissioner Secretary, Regional Transport Authority, Andhra Pradesh State.
6. The APSRTC, By its Managing Director, Vijayawada, Krishna District.
7. Zameer Ahamed, S/o Late K.M.Abdul Rehman, Age 70 years, R/o House No.1521 (old), New No. 1003, Old Post Office Road, Kolar District, Karnataka State.
8. S.Gunashekar, Age 50 years, Prop. M/s. Venson Transports Pvt Ltd, No.25-197, Reddygunta, Chittoor, AP State.

9. N.Sudha, W/o Chandrashekar, Prop. Vinayaka Motor Service, Gunjuru Village, Bengaluru Rural, Karnataka State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order direction, a. Declaring the proceedings of the 4th respondent i.e. Joint Commissioner cum State Transport Authority, Vijayawada passed in R.No.2721903/B1/2019 dated 05.03.2025, wherein the revision of timings and night halt granted to the petitioner in proceedings No. R.No.946736/B1/2019 dt.23.03.2021 is now rejected, as bad, illegal, arbitrary, violative of principles of natural justice and a non-speaking order and also contrary to the Judgment and Order of this Hon'ble Court in W.A.No.876 of 2023 dt.06.09.2023 and Set aside the same; b. And further Consequently declare that the petitioner is entitled to continue the operation of vehicle vide permit no.43/64 for the route Tirupathi to Bangalore and back as per the earlier proceedings of 4th Respondent passed in proceedings No. R.No.946736/B1/2019 dt.23.03.2021.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings of 4th Respondent passed in R.No.2721903/B1/2019 dated 05.03.2025 by permitting the petitioner to continue to operate the vehicle vide permit no.43/64 for the route Tirupathi to Bangalore and back as per the earlier proceedings of 4th Respondent passed in proceedings No. R.No.946736/B1/2019 dt.23.03.2021 pending disposal of the Writ petition in the interest of justice otherwise ends of justice will suffer.

Counsel for the Petitioner: SRI E. MARUTHI RAJA

Counsel for the Respondent Nos.1 to 5: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No.6:SRI A. RAMA RAO, SC FOR APSRTC

Counsel for the Respondent Nos.7,8 & 9: SRI S. ARIFULLAH

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3331]

MONDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 8692/2025

Between:

R V Subhash Chandra Bose

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.E MARUTHI RAJA

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2.S ARIFULLAH

The Court made the following:

::ORDER::

Heard Sri W.B. Srinivas learned Senior Counsel assisted by Sri E. Maruthi Raja, learned counsel for the petitioner; Sri Shaik Abdul Rasheed, learned Assistant Government Pleader for respondents 1 to 5 and Sri S. Arifullah, learned counsel for respondents 7 and 8. Sri S. Arifullah, learned counsel, on instructions, also represented on behalf of respondent No.9.

2. The above writ petition is filed assailing the proceedings passed by respondent No.4 vide R.No.2721903/B1/2019 dated 05.03.2025, whereby the

revision of timings and night halt granted to the petitioner in proceedings No.R.No.946736/B1/2019 dated 23.03.2021, is rejected.

3. The facts of the case, in brief, are that the petitioner, transferee of the inter-state stage carriage permit No.43/1964 for the inter-state route from Tirupathi to Bengaluru and back, which is covered under the inter-state agreement, filed an application on 22.07.2019 for revision of timings with the change of night halt from Tirupathi to Bengaluru. In pursuance of the said application, respondent No.4 vide proceedings dated 23.03.2021, granted revision of timings. Questioning the same, respondent No.7 filed RP No.46 of 2021 before the Karnataka State Transport Appellate Tribunal, and the said R.P. was dismissed.

b) Thereafter, respondent No.7 filed W.P.No.28645 of 2022 before this Court to declare the proceedings dated 23.03.2021, issued by the Joint Transport Commissioner, granting revision of time by changing the halt from Tirupathi to Bangalore in favour of the petitioner herein, as illegal and arbitrary. The said writ petition was allowed, setting aside the proceedings issued by the Joint Transport Commissioner, in favour of the petitioner.

c) Aggrieved by the order of the learned Single Judge, the petitioner herein filed an intra-court appeal vide W.A.No.876 of 2023. Learned Division Bench of this Court by order dated 06.09.2023 allowed the intra court appeal and set aside the order dated 08.08.2023 passed by learned Single Judge in WP.No.28645 of 2022 and order passed by the Joint Transport Commissioner, Vijayawada, in Rc.No.2721903/B1/2019 and Rc.No.946736/B1/2019 dated 23.03.2021. The matter was remitted to the learned Joint Transport Commissioner and Secretary, State Transport Authority, A.P., for fresh consideration. The Division Bench directed the Joint Transport Commissioner to pass appropriate orders within four weeks and

further directed the parties to maintain the status quo as on the date of filing the W.P.No.28645 of 2022.

4. Thereafter, the Joint Transport Commissioner and Secretary, State Transport Authority, passed the order (Ex.P1), impugned in this writ petition.

5. By order dated 03.04.2025, this Court suspended the proceedings issued by respondent No.4.

6. Learned Senior Counsel would submit that, except for extracting the pleading of the objectors, the authority did not even advert to the objections of the petitioner, and no reasons were assigned.

7. Learned counsel for respondents 7 to 9 and learned Assistant Government Pleader, on the other hand, supported the order impugned and reported no counter.

8. As seen from the order impugned, the order runs to five and a half pages. Up to five pages, the pleadings and objections of respondent No.7 are noted. The order does not reflect the objections of the petitioner, and the authority also failed to consider the written arguments filed on behalf of the writ petitioner. The operative portion of the order reads as follows:

“The written arguments submitted by the applicant and objectors were examined, and keeping in view of the orders of the Hon'ble High court of A.P. in WA No.876 of 2023 dated: 05.09.2023 and the objections filed by the objectors and written arguments were considered and hereby rejected. In terms of the orders of the Hon'ble High court, the applicant did not prefer any fresh or modified proposal in respect of revision of timings. Hence the earlier proceedings of the Secretary, STA, Vijayawada issued vide R.No.2721903/B1/2019, dated: 30-08-2023 stands good. It is open to the petitioner to submit his application afresh if any.”

9. Thus, as seen from the order, in the considered opinion of this court, the authority failed to assign reasons.

10. Time and again, the Hon'ble Apex Court as well as this Court, has been reiterating that reasons are the heart and soul of the order passed by an administrative authority, as the reasons would reflect the consideration authority of the pleadings and the material available on record, by the authority.

11. In **M/s Kranti Asso. Pvt. Ltd. & Another vs. Masood Ahmed Khan & Others**¹ the Hon'ble Apex Court held that the quasi-judicial authority must record reasons in support of its conclusions while exercising appellate powers.

12. In **Assistant Commissioner, Commercial Tax Department, Works Contract & Leasing Kota vs. M/S.Shukla & Brothers**² the Hon'ble Apex Court held that to sub-serve the purpose of the justice delivery system, it is essential that the Courts should record reasons for its conclusions, whether disposing of the case at the admission stage or after a regular hearing.

13. In **State of Rajasthan vs. Rajendra Prasad Jai**³ the Hon'ble Apex Court held that reason is the heartbeat of every conclusion, and without the same, it becomes lifeless.

14. Given the above expressions, since the order impugned (Ex.P1), does not reflect any reasons, the order is liable to be set aside.

15. In the result, this writ petition is allowed at the admission stage. The order passed by respondent No.4 vide R.No.2721903/B1/2019, dated 05.03.2025 is hereby set aside. The matter is remitted to the learned respondent No.4. The learned respondent No.4 shall consider the objections and written arguments of the petitioner as well as respondents 7 to 9 and pass

¹ (2010) 9 SCC 496

² (2010) 4 SCC 785

³ (2008) 15 SCC 711

a reasoned order within six weeks from the receipt of a copy of the order. No costs.

Till an order is passed, the parties shall maintain the status quo as on the date of filing W.P.28645 of 2022.

Miscellaneous petitions pending, if any, shall stand closed.

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Sd/- K KASIRAO ACHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Transport Roads & Buildings Department,
State of Andhra Pradesh, AP Secretariat Buildings, Velagapudi,
Amaravati, Guntur District.
2. The State Transport Authority, Rep. By Its Commissioner, Vijayawada,
Andhra Pradesh.
3. The Transport Commissioner, RTC House 3rd Floor, NTR
Administrative Block, Vijayawada - 520013
4. The Joint Transport Commissioner Secretary, State Transport Authority,
Vijayawada, Andhra Pradesh.
5. The Deputy Transport Commissioner Secretary, Regional Transport
Authority, Andhra Pradesh State.
6. The Managing Director, APSRTC, Vijayawada, Krishna District.
7. One CC to Sri E. Maruthi Raja, Advocate [OPUC]
8. One CC to Sri S. Arifullah, Advocate[OPUC]
9. One CC to Sri A. Rama Rao, Sc for APSRTC[OPUC]
10. Two CCs to GP for Roads & Buildings, High Court of Andhra Pradesh.
[OUT]
11. Three CD Copies.

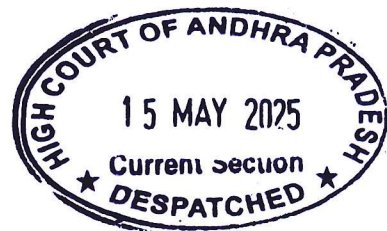
ssb

HIGH COURT

DATED:21/04/2025

ORDER

WP.No.8692 of 2025



**ALLOWING THE W.P. AT THE STAGE OF
ADMISSION WITHOUT COSTS**