



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.39307 OF 2025 (MV)

BETWEEN:

SALEEM KHAN
AGE 65 YEARS,
S/O LATE KAREEM KHAN,
NO.55, VELIRAMAN KOVIL STREET,
VIVEKNAGAR, BENGALURU-560 047.

...PETITIONER

(BY SRI NAGESHA M.E., ADVOCATE)

AND:

1. THE REGIONAL TRANSPORT AUTHORITY
KOLAR, BY ITS SECRETARY.
2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLAR-563 101.
3. ZAMEER AHAMED,
AGE 68 YEARS,
S/O LATE K.M. ABDUL RAHAMAN,
SHAMSHEER REHMANIA MOTOR SERVICE,
NO.1003, OLD POST OFFICE ROAD,
KOLAR-563 101.
4. M/S. VENSON TRANSPORTS PVT. LTD.,
NO.25-197, REDDYGUNTA,
CHITTOOR DISTRICT,
ANDHRA PRADESH-517 001,
BY ITS MANAGING DIRECTOR.

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



5. KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
K.H.ROAD, SHANTHINAGAR,
BENGALURU-560 027
BY ITS MANAGING DIRECTOR.
REG. UNDER COMPANIES ACT, 1961.

...RESPONDENTS

(BY SMT. RASHMI RAO, HCGP FOR R-1 & R-2;
SRI C.V. KUMAR, ADVOCATE FOR R-3 & R-4;
SRI HAREESH BHANDARY T., ADVOCATE FOR C/R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS; QUASH THE ORDER OF THE STATE TRANSPORT APPELLATE TRIBUNAL PASSED ON 18.12.2025 IN R.P.NO.22/2024, 23/2024, 28/2024, 29/2024, 52/2024 AND 53/2024 AS PER ANNEXURE-K.

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

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

ORAL ORDER

The petitioner has called in question the order dated 18.12.2025 passed by the Karnataka State Transport Appellate Tribunal, Bengaluru ('Tribunal' for short), whereby the Tribunal has set aside the renewal of stage carriage permit granted in favour of the petitioner by the Regional Transport Authority, Kolar ('RTA' for short).

2. The petitioner was originally granted two stage carriage permits in the year 1996 by the RTA. The said



grant of permits was challenged by the KSRTC and by an order dated 19.06.1996, this Court in earlier writ proceedings set aside the grant and remanded the matter for fresh consideration. Pursuant to the said remand, the applications of the petitioners came to be rejected on the ground of overlapping of notified routes. The petitioner carried the matter in appeal before the Tribunal and thereafter in a series of writ petitions before this Court, whereby the matter was either remanded or the claims of the petitioners were negative while in certain proceedings limited liberty was reserved to the petitioner.

3. The litigation has thus undergone multiple rounds before the Tribunal and this Court in earlier writ petition and orders therein have attained finality, which would be in detail addressed by this Court in the course of findings. During the interregnum scheme, notification dated 07.11.2003, 28.09.2017 and 07.03.2019 came to be issued incorporating saving clauses in respect of the existing permits and pending renewal application. The



petitioner relying upon the said documents, sought renewal of the permits which came to be granted by the RTA on 13.09.2023. The said renewal was challenged before the Tribunal, whereby by the impugned order dated 18.12.2025 set aside the renewal. Aggrieved by the same, the present writ petition is filed.

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

5. Learned counsel for the petitioner would contend that:

- i. The petitioner's permits and pending renewal applications are protected under the saving clauses introduced in the scheme notification of 2017-19.
- ii. The renewal applications have been pending on the relevant date. The petitioner is entitled to continuation of the permits and the renewal relates back



under Section 81 of the Motor Vehicles Act, 1988 ('MV Act' for short).

- iii. Non-operation of the service was on account of pending litigation and judicial orders and therefore cannot be put against the petitioner.
- iv. The Tribunal has failed to consider the effect of retrospective amendments and binding precedents and have erroneously proceeded as if no right subsists.
- v. The contesting respondents have no locus to challenge the renewal and that the order of the Tribunal is contrary to law and liable to be set aside.

6. *Per contra*, learned counsel for respondent Nos.3 and 4 submits that:

- i. The original permit granted in favour of the petitioner was set aside by this Court



in the year 1996 and therefore no permit survived in the eye of law.

- ii. Once the permits itself stood extinguished there was nothing available for renewal and the very grant of renewal by the RTA dated 13.09.2023 is illegal.
- iii. The route in question overlaps notified scheme and in view of Section 104 of the MV Act, private operators are barred from operating on such routes.
- iv. The petitioner was not operating the service as on the cutoff date 14.01.2002 and therefore cannot claim benefit under any saving scheme.
- v. The scheme notifications and the subsequent amendments do not revive extinguished permits.
- vi. The matter has already undergone multiple rounds of litigation and has



attained finality and the present writ petition is an attempt to reopen the concluded issues.

- vii. The petitioner has suppressed material facts and approached this Court without a clean hands and the Tribunal has passed a well-reasoned order warranting no interference by this Court.

7. This Court has carefully considered the rival submissions and perused the material on record. The point that arise for consideration is:

"Whether the impugned order passed by the Tribunal warrants any interference by this Court?"

8. The reliance placed by the petitioner on the scheme notifications dated 28.09.2017 and 07.03.2019 is misconceived. A careful reading of the said notifications would indicate that the saving clauses protect only those permits which were valid and in actual operation as on the



cut-off date 14.01.2002 or legally maintainable pending renewal application. The said provisions do not create any fresh right nor do they revive permits which have already been set aside or claims which have been rejected and have attained finality.

9. In this context, it is necessary to consider the manner in which the proceedings relating to the petitioner's permits have unfolded. The petitioner was originally granted two permits in the year 1996. The said grant was challenged by KSRTC in W.P.Nos.14352-58/1996 and this Court, by Order dated 19.06.1996, set aside the grant and directed reconsideration after conducting a joint route survey. Pursuant thereto, the RTA rejected the application. The petitioner challenged the same in W.P.No.21289/1997, wherein this Court by Order dated 08.08.1997 again remanded the matter for consideration with reference to an alternate proposal that has been submitted by the petitioner on 05.07.1997.



10. On remand, by order dated 13.10.1997 the RTA rejected the application on the ground that the proposed route overlaps the notified routes under the Kolar Pocket Scheme, Anekal Pocket Scheme and the BTS Scheme. The petitioner preferred an appeal before the Tribunal in Appeal No.858/1997. The Tribunal by order dated 16.03.1998 rejected the interim application. In the writ petition filed by the petitioner, this Court by order dated 28.03.1998 permitted operation of services pending disposal of the appeal. However, the Tribunal by Order dated 23.02.2000 dismissed the appeal.

11. Challenging the same, the petitioner approached this Court in W.P.No.14527-28/2000 and by order dated 29.06.2001 this Court set aside the Tribunal's order and remanded the matter for fresh consideration. The operative portion of the order is culled out as under:

"7. In view of the above, this petition is allowed and the order dated 23-2-2000 passed by the Tribunal in Appeal No.858/1997 is set aside and



the Tribunal is directed to reconsider the matter in accordance with law and the observations made above. It is made clear that: (i) the petitioner will not be entitled to operate the services pending decision by the Tribunal; and (ii) Nothing stated herein shall be construed as accepting the case of the overlapping. The petition succeeds only on a technical ground that the orders of the authorities do not disclose the extent and particulars of overlapping."

Emphasis supplied

12. Significantly, this Court observed that the petitioner would not be entitled to operate the services pending consideration and that the petitioner had succeeded only on a technical ground relating to absence of particulars regarding overlapping and not on merits.

13. Upon remand, the Tribunal again dismissed the appeal. The petitioner challenged the same in W.P.No.31791/2002, which came to be dismissed by order dated 23.06.2003 with a limited direction to the original authority to consider a fresh application dated 14.05.2001



for grant of permit on an alternate route. The operative portion is culled out as under:

"In the result, I pass the following order

Writ petition is dismissed. However, the Regional Transport Authority, Kolar, is directed to consider the application filed by the petitioner on 14.5.2001 for grant of permit in respect of Mulbagal to Bangalore and back Bangalore to Mulbagal on the route, in accordance with law without being influenced by the finding recorded by the Tribunal in the impugned order."

Emphasis supplied

14. The material on record would clearly indicate that the original permits granted in the year 1996 stood set aside and was never restored and all the proceedings were either in relation to fresh application or alternate routes which were also not granted. The application dated 14.05.2001 was not a continuation of any subsisting permit but a fresh request which ultimately came to be rejected by the RTA by the resolution dated 19.12.2011. The appeal against the same was dismissed by the



Tribunal and the W.P.No.21638/2012 also came to be dismissed. The W.A.No.2609/2013 was dismissed as withdrawn with liberty to approach the authority, if need arises on basis of the notification dated 07.11.2003.

15. From the aforesaid sequences, it is evident that the petitioners claim to grant permits stood rejected as early as in 1996 and has been consistently negated in all the subsequent permit proceedings. No permit ever subsisted thereafter. Therefore, on the date of the scheme notifications, much less on the cut-off date 14.01.2002, the petitioner was neither holding a valid permit nor operating the service. In such circumstances, the petitioner is not entitled to claim the benefit of the saving clauses, as the same apply only to the existing and operational permits or legally maintainable pending renewals. The Tribunal upon consideration of the entire material has rightly set aside the renewal granted by RTA, holding that there was no subsistence permit capable of being renewed.



16. For the foregoing reasons, the point framed for consideration is answered and this Court pass the following:

ORDER

- i. The writ petition is hereby ***dismissed***.
- ii. The order dated 18.12.2025 passed by the Karnataka State Transport Appellate Tribunal is hereby ***confirmed***.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 60