

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 4182 OF 2007

STATE OF TAMIL NADU & ORS.

Appellant (s)

VERSUS

TAMIL NADU OMNI BUS OPERATORS ASSON.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 4334 of 2007

(With office report)

Civil Appeal NO. 4386 of 2007

(With office report)

Civil Appeal NO. 4505 of 2007

(With office report)

Date: 30/08/2012 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE RANJAN GOGOI

For Appellant(s)

CA 4182

Mr. B. Balaji, Adv.

Mr. R. Rakesh Sharma, Adv.

Mr. P. Krishnamoorthy, Adv.

CA 4505

Ms. Kiran Suri, Adv.

Mr. S.J. Amith, Adv.

CA 4334

Mr D.N. Ray, Adv. for

Mrs. Sumita Ray, Adv.

CA 4386

Mr. G. Ramakrishna Prasad, Adv.

Mr. B. Suyodhan, Adv.

Mr. Mohd. Wasay Khan, Adv.

For Respondent(s)

Mr. S. Srinivasan, Adv.

Mr. A.T.M. Sampath ,Adv

Mr. P.N. Ramalingam, Adv.

Ms. T.S.Shanthi, Adv.

Ms. Hemantika Wahi, Adv.

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UPON hearing counsel the Court made the following
O R D E R

Civil Appeal Nos. 4182 of 2007:

Civil Appeal is dismissed in terms of signed order. No order as to costs.

Civil Appeal No. 4334 of 2007:

Civil Appeal is dismissed in terms of signed order. No order as to costs.

Civil Appeal Nos. 4505 of 2007 and 4386 of 2007:

Civil Appeals are dismissed in terms of signed order. No order as to costs.

|(Pardeep Kumar)
|Court Master

|(Renu Diwan)
|Court Master

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[THREE SEPARATE SIGNED ORDERS IN CIVIL APPEAL NO. 4182 OF 2007,
4334 OF 2007 AND 4505 OF 2007 ARE PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4182 OF 2007

| STATE OF TAMIL NADU & OTHERS

|...| APPELLANT(s)

|

| Versus

|

| TAMIL NADU OMNI BUS OPERATORS ASSOCIATION

|...| RESPONDENT(s)

|

O R D E R

We have heard Mr. B. Balaji, learned counsel for the appellants.

Civil Appeal is dismissed. No order as to costs.

.....J.
(R.M. LODHA)

.....J.
(ANIL R. DAVE)

.....J.
[RANJAN GOGOI]

NEW DELHI
AUGUST 30, 2012.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4334 OF 2007

HARDEEP SINGH GURCHARAN SINGH BHATIYA	... APPELLANT(s)	
Versus		
STATE OF GUJARAT & ANOTHER	... RESPONDENT(s)	

O R D E R

We have heard Mr. D.N. Ray, learned counsel for the appellant.

Having regard to the peculiar location of the road in question in the city of Ahmedabad, we are satisfied that the impugned

order does not call for any interference by us in our jurisdiction under Article 136 of the Constitution of India.

Civil Appeal is dismissed accordingly. No order as to costs.

.....J.
(R.M. LODHA)

.....J.
(ANIL R. DAVE)

NEW DELHI.
AUGUST 30, 2012.

.....J.
[RANJAN GOGOI]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4505 OF 2007

| M/S. SHARMA TRANSPORTS | ... | APPELLANT(s) |

| Versus |

| GOVT. OF ANDHRA PRADESH AND OTHERS | ... | RESPONDENT(s) |

WITH

CIVIL APPEAL NO. 4386 OF 2007

| K. SRINIVAS AND OTHERS | ... | APPELLANT(s) |

| Versus |

| GOVT. OF ANDHRA PRADESH AND OTHERS | ... | RESPONDENT(s) |

O R D E R

We have heard Mrs. Kiran Suri, learned counsel for the appellant in Civil Appeal No. 4505 of 2007 and Mr. G. Ramakrishna Prasad, learned counsel for the appellants in Civil Appeal No. 4386 of 2007.

2. On June 6, 2005, the Commissioner of Police, Hyderabad, in exercise of powers conferred on him under Clause (b) of Sub-sections (1) & (2) of Section 21 of the Hyderabad City Police Act framed the following rules:

(1) All the private buses will not be allowed to make entry or exit and to ply on arterial roads of the twin cities of Hyderabad and Secunderabad from 0700 hours to 2300 hours.

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(2) The above restriction will not apply to public transport conducted by A.P.S.R.T.C. and intra city bus services operating in the city by the private operators and Government agencies.

3. The appellants claim to be transport operators of private buses with valid permits to ply their vehicles as contract carriages/tourist bus permitted in Hyderabad City/have contract carriage permits valid throughout the State of Andhra Pradesh/holding All India Permits covering certain States for different vehicles, issued by the competent Transport Authority.

4. The above Notification issued by the Commissioner of Police, Hyderabad was challenged by the appellants-writ petitioners before the Andhra Pradesh High Court on diverse grounds including being discriminatory, unreasonable and violative of Article 14 of the Constitution of India.

5. In opposition to the Writ Petitions, common counter-affidavit was filed on behalf of the Commissioner of Police, Hyderabad. In paragraph 7 of the said affidavit, following statement was made:

"It is respectfully submitted that the intra city buses engaged for taking school going children and contract carriers engaged for marriages and other functions etc. including that of tourism and excursion are exempted from this Notification. I may also submit that these private buses are contract carriages but in reality they are being used as stage carriages by picking up the passengers from various places where the booking counters are there and they

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are spread in many places in the entire city. It is also pertinent to note that these private buses invariably stop their buses at every APSRTC bus stand in order to pick up passengers in busy hours. I submit that the restriction

imposed will apply to inter district and inter state private buses only."

6. The High Court heard the parties and while dismissing the group of Writ Petitions including the Writ Petitions of the appellants, noted the above statement made by the Commissioner of Police in paragraph 7 of the counter-affidavit and observed as follows:

"If a contract carriage in effect becomes a stage carriage by picking up the passengers from various places, and operate as passenger bus, then only the restrictions would apply. We feel there is sufficient force in the argument of the learned Government Pleader as the petitioner themselves have maintained that they are contract carriages and are taking tourists, marriage parties, picnic parties. Then, they could have no grievance with regard to the notification, because, according to the counter, they are exempt from the application of the notification."

7. We are surprised that despite the above clarification made by the Commissioner of Police, Hyderabad in the counter-affidavit and duly noted by the High Court in the impugned order, the appellants have chosen to challenge the impugned order. The High Court has expressly noted that if the appellants are contract carriages and are taking tourists, marriage parties, picnic parties, then they could have no grievance to the above Notification because

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according to the Commissioner of Police, they are exempt from the application of the Notification.

8. In view of the above, the appellants have no subsisting grievance and the appeals are dismissed accordingly. No order as to costs.

.....J.
(R.M. LODHA)

.....J.
(ANIL R. DAVE)

[RANJAN GOGOI]J.

NEW DELHI:
AUGUST 30, 2012.