

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. 1674 OF 1996

REGIONAL MANAGER, APSRTC, GUNTUR

Appellant (s)

VERSUS

G. HANUMANTHA RAO & ORS

Respondent(s)

(With appln(s) for stay and office report)

WITH S.L.P.(C) NOS. 10266/1997, 10267/1997

(With appln(s) for stay and with office report)

Civil Appeal NOS. 346-351/2002, 368-371/2002 & 374-376/2002, 352-353/2002,

356-357/2002, 360-361/2002, 364/2002, 117-118/2002, 963-969/2002,

971-973/2002, 975-980/2002, 377-379/2002,

(With office report)

S.L.P.(C) NO. 14923/2003

(With appln(s) for c/delay in filing SLP, substitution, c/delay in filing substitution appln.
And with

prayer for interim relief and office report)

Civil Appeal NOS. 85/2004 and 4449/2004

(With office report)

Date: 26/07/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)

Mr. Guntur Prabhakar, Adv.

Mr. R. Santhan Krishnan,Adv.
Ms. K. Radha Rani,Adv.
Mr. G. Ramakrishna Prasad,Adv.
Mr. S. Udaya Kumar Sagar,Adv.
Mr. D. Mahesh Babu,Adv.
Mr. C.S.N. Mohan Rao,Adv.

Mr. S. Srinivasan,Adv.

Contd...2/-

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For Respondent (s)

Mrs. K. Amareswari, Sr.Adv.

Mr. B. Ramanamurthy,Adv.
Mrs. Anjani Aiyagari,Adv.
Mr. Anil Kumar Tandale,Adv.
Mrs.D. Bharathi Reddy,Adv.
Mr. S. Udaya Kumar Sagar,Adv.
Mr. V.G. Pragasam,Adv.
Mr. R. Santhan Krishnan,Adv.
Ms. K. Radha Rani,Adv.
Mr. G. Ramakrishna Prasad,Adv.
Mr. A.V. Rangam,Adv.
Mr. A. Ranganadhan,Adv.
Mr. Buddy A. Ranganadhan,Adv.
Mr. T.N. Rao,Adv.
Mr. V.S. Raju,Adv.
Mr. D. Mahesh Babu,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Substitution allowed.

The appeals and the special leave petitions are disposed
of in terms of the signed order.

(Neena Verma)

(Vijay Agg

arwal)

Court Master

Court Ma

ster

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1674 OF 1996

Regional Managar, APSRTC, Guntur

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G. Hanumantha Rao & Ors.

...Respondents

W I T H

S.L.P.(C) Nos.10266/1997, 10267/1997,

C.A. Nos.346-351/2002, 368-371/2002, 374-376/2002,
352-353/2002, 356-357/2002, 360-361/2002, 364/2002,
117-118/2002, 963-969/2002, 971-973/2002, 975-980/2002,
377-379/2002, SLP(C) 14923/2003, C.A. Nos.85/2004
& 4449/2004

O R D E R

Delay condoned.

Substitution allowed.

All these appeals and special leave petitions are taken up for disposal

as the controversy involved is more or less similar. A Constitution Bench in

A.P.S.R.T.C. Vs. Regional Transport Authority & Anr. (Civil Appeal Nos.3700-

3712 of 2001 etc.etc.) considered the following issues:

"(1) The Scheme covers mufussil service and provides for total exclusion of private operators including operators on town service routes. Even routes overlapping with the notified mofussil service stood covered. In view of this is it permissible for the Regional Transport Authority to grant permits to private operators on the notified town service routes or portions thereof.

(2) Exception 2 in the note appended to

the Scheme is: "the existing town services operating on the notified routes". Does the exception relate only to existing town services operating on the notified routes meaning thereby that fresh or future applicants for grant of permit are excluded?"

In the appeals which were considered by the Constitution Bench,

primary challenge was to the correctness of a Full Bench decision of the Andhra Pradesh High Court. The Constitution Bench held that under Exception 2 contained in the Note appended to the Scheme in which permits can be issued only to the existing town services operating in the notified routes. This means

only existing operators on the notified routes are eligible for permits. Fresh

applicants or future applicants are totally ineligible for granting permits for town services operating on notified routes.

It is accepted by learned counsel for the parties that in various Schemes, certain excluded categories are indicated. Whether the fresh applicants or future applicants belong to any of the excluded categories is a matter which is to be factually determined in each case. In the instant cases, that does not appear to have been done by the High Court.

That being the position, we remit these matters to the High Court for a fresh consideration keeping in view the judgment of the Constitution Bench and to decide whether the plea of the applicants that they belong to any of the excluded categories is correct. We make it clear that we have not expressed any opinion on these factual aspects. As the matters are pending since long, we request the High Court to take up the matters for disposal as early as practicable, preferably within six months from today.

All the appeals and special leave petitions are disposed of accordingly.

.....J.

(ARIJIT PASAYAT)

J.

.....

(H.K. SEMA)

New Delhi,

July 26, 2005.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

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Versus

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...Respondents

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C.A. Nos.346-351/2002, 368-371/2002, 374-376/2002,

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(ARIJIT PASAYAT)

J.

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(H.K. SEMA)

New Delhi,

July 26, 2005.