

ITEM NO.MM-5A

COURT NO.5

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).18852/2012

(From the judgement and order dated 09/05/2012 in LPA No.355/2012
of The HIGH COURT OF DELHI AT N. DELHI)

CHARAN KAMAL SINGH & ORS.

Petitioner(s)

VERSUS

STATE(NCT) OF DELHI AND ORS.

Respondent(s)

(With prayer for interim relief)

Date: 03/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr.Pallav Sisodia, Sr.Adv.
Mr.Rakesh K.Khanna, Sr.Adv.
Mr.Deepak Jain, Adv.
Mr.Anil Kaushik, Adv.
Ms.Jaspreet Aulak, Adv.
Mr.Tanmay Mehta, Adv.
Mr. K.C. Dua,Adv.

For Respondent(s)

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

Taken on board.

This petition is directed against order dated 09.05.2012
of the Division Bench of the Delhi High Court whereby the letters
patent appeal filed by the petitioners was dismissed and the order
passed by the learned Single Judge quashing the allotment of 21
Maxi Cabs Carriage Permits was upheld.

We have heard Shri Pallav Sisodia, learned senior counsel
appearing for the petitioners and perused the record.

2

With a view to provide cheap and better public transport
in congested areas of Delhi, the Government of NCT of Delhi floated
a scheme in 1993 for grant of Maxi Cab permits. Respondent No.2
invited applications by issuing a public advertisement and allotted
100 Maxi Cab permits for different routes.

In compliance of the directions given by this Court in WP

(C) No.13029/1985 - M.C. Mehta v. Union of India, respondent No.2

directed Maxi Cab operators to operate their vehicles by using CNG with a stipulation that permits of those who failed to switch over to CNG will not be renewed. 79 of the permit holders switched over to CNG. Accordingly, their permits were renewed. The remaining permits were not renewed because the operators did not switch over to CNG. After about 8 years, respondent Nos.1 and 2 allotted the remaining permits to respondent Nos.3 to 7 albeit without issuing advertisement and without inviting applications from the eligible persons.

The learned Single Judge quashed the permits granted to respondent Nos.3 to 7 by recording the following observations:

"18. The manner in which the allotment of permits to respondent nos.3 to 7 has taken place in the present case, leaves much to be desired and raises serious doubts about the bona fides of the action of the respondent authorities. How is it that suddenly, after 8 years, the respondent authorities decided to entertain applications for grant of the maxi cabs contract carriage permits? How is it that respondent nos. 3 to 7 learnt of the decision of the respondent authorities to entertain such applications, when no prior information in this regard was publicized? These questions have not been answered by the respondent authorities in their counter affidavit. They have only taken the shelter of the language used in Section 74(1) of the

3

Motor Vehicles Act, which is neither here nor there.

19. As notice above, even respondent nos. 3 to 7 state that the respondent authorities were not entertaining the applications for grant of maxi cabs contract permits over the years. Their case appears to be that they had repeatedly applied for these permits, inter alia, in July, 2010 and September, 2010 and it was only when they repeatedly approached the Transport Authorities, an order was passed on 12.10.2010 granting 4 permits to each of respondents 3 to 7.

20. When the said maxi cabs contract carriage permits were in such short supply, it cannot be appreciated how the respondent authorities could have quietly, and without any prior general public notice, allotted said permits to a handful of persons by allotting 4 permits to each of them. Clearly there appears to be more to it, than meets the eye. The action of the respondent authorities in allotting the permits in question to respondent nos.3 to 7 is

discriminatory, arbitrary and offends the petitioners fundamental rights guaranteed by Article 14 of the Constitution of India."

The Division Bench approved the reasons assigned by the learned Single Judge and dismissed the letters patent appeal preferred by the petitioners.

In our view, the detailed reasons recorded by the learned Single for quashing the grant of Maxi Cabs Carriage Permits to the petitioners were legally correct and the Division Bench of the High Court rightly declined to interfere with the order of the learned Single Judge.

The special leave petition is accordingly dismissed.

The concerned officers of the Government of NCT of Delhi are allowed two months' time to implement the directions given by

4

the High Court. Till then, the petitioners shall be allowed to ply Maxi Cabs on the routes in question.

A report showing compliance of the directions given by the learned Single Judge and the Division Bench shall be submitted in the Registry of the High Court at the end of two months' period. The case shall, thereafter, be listed before the concerned Division Bench.

If it is found that the concerned officers have failed to comply with the orders of the High Court then proceedings under the Contempt of Courts Act, 1971 shall be initiated against them.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master