

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10441 OF 2017

(Arising out of S.L.P. (C) No. 18958 of 2006)

TMT. VIJAYAMMAL

Appellant (s)

VERSUS

TVL. TAMIL NADU STATE TRANSPORT CORPORATION
& ORS.

Respondent (s)

O R D E R

1) We have heard the learned counsel appearing for the parties.

2) Leave granted.

3) A Writ Petition was filed by the Tamil Nadu State Transport Corporation on 28.08.2000 against an order of the State Transport Appellate Tribunal dated 05.12.1990. By that order, the Appellate Tribunal had allowed the appellant's appeal and set aside the order of the State Transport Authority with certain directions.

4) Even though this Court had issued notice and we were to await the Constitution Bench judgment in G.T. Venkataswamy Reddy vs. State Transport Authority & Ors., reported in (2016) 8 SCC 402 which has since been delivered on 19.07.2016, this appeal can be disposed of on a very short ground. The appellant before us had specifically taken the point that the

Writ Petition had been filed with inordinate delay of at least 8 years which was dealt with by the High Court in para 6 of the impugned judgment dated 16.10.2006, which reads as follows:-

"6. Insofar as the delay and laches, the learned Senior Counsel has submitted that the appellant being the Transport Corporation incorporated in the year 1992 came to know of the order of the Appellate Tribunal only when the State Transport Authority had granted counter-signature in its order dated 23-8-2000 and immediately thereafter, without any delay, the writ petition was filed on 28-8-2000, within five days from the date of the order of the State Transport Authority granting counter-signature. As the appellant is the State Transport Corporation, while considering the delay, the Court should keep in mind the public interest, especially when the challenge to the variation is made on legal grounds, and the challenge should not be rejected solely on the ground of delay. On merits, the learned Senior Counsel has submitted that under the new Act, there is no provision for the grant of variation by including one more vehicle on the same permit and in the absence of any provision, the order of the Appellate Tribunal granting counter-signature is totally contrary to the statute. He has also submitted that the grant of variation would amount to the grant of fresh permit and in the absence of any provision for the grant of variation to operate more than one vehicle on the same permit under Section 72 of the new Act, the order of the State Transport Appellate Tribunal is bad in law."

5) We are afraid that it is very difficult to agree with the reasoning of the High Court. The only real ground given is public interest which is not a ground for condonation of delay. It is clear that the Writ Petition was filed way beyond time and we therefore, set aside the judgment of the High Court and restore that of the State Transport Appellate Tribunal on this ground alone.

6) Accordingly, the appeal is allowed.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
August 09, 2017.

ITEM NO.1

COURT NO.13

SECTION XII

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 (C) No(s). 18958/2006

(Arising out of impugned final judgment and order dated 16-10-2006 in WA No. 1675/2000 passed by the High Court Of Madras)

TMT. VIJAYAMMAL

Petitioner(s)

VERSUS

TVL. TAMIL NADU STATE TRANSPORT CORPORATION & ORS. Respondent(s)

Date : 09-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. V. Ramasubramanian, AOR

For Respondent(s) Mr. T.R.B. Sivakumar, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)