

A THIRUMALAI TRANSPORT SERVICE ETC.
v.
P. SAMIAPPA GOUNDER AND ORS. ETC.

JANUARY 24, 1997

B [K. RAMASWAMY AND G.T. NANAVATI, JJ.]

Motor Vehicles Rules :

C *Rule 155-A(6)—Grant of permit—Regional Development Authority to give reasons—Absence of reasons in the order passed by the authority—High Court holding it a nullity and non-est—Held : There is no illegality in the judgment of the High Court warranting interference.*

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 476-477 of 1997 Etc.

D From the judgment and Order dated 28.6.96 of the Madras High Court in W.A. Nos. 1048-49 of 1995.

Soli J. Sorabjee, V.C. Palanisamy and L.K. Pandey for the Appellants.

E Nand Kumar, V. Balaji, A.T.M. Sampath, A, Mariarputham and V. Krishnamurthy for the Respondents.

The following Order of the Court was delivered :

F *IN CA NOS. 476-477/97 @ SLP (C) NOS. 14713-14/96.*

Leave granted.

We have heard learned counsel for the parties.

G There was no order passed or action pursued in terms of Rule 155-A (6) of the Motor Vehicles Rules which envisages that the authority is required to draw up the proceedings to consider the merits and demerits of the applications and to give reasons for grant of the permit. The Division Bench of the High Court has pointed out in the impugned judgment 28th June, 1996 that since no reasons were recorded in the H proceedings purported to have been held on 9th May, 1984, order dated

August 1, 1984 passed by the Regional Development Authority the grant of permit was not valid and being a nullity it is *non est*. The High Court has observed as under: A

"We have pointed out that records do not contain any proceedings or any reasons except the order as notified which has already been extracted. There is not disagreement between the parties regarding non-existence of the proceedings containing reasons for selecting the first respondent and rejecting the other applications". B

In view of the above finding all the contentions raised on the legality of the Division Bench judgment, based thereon, per force do not arise. Accordingly, we do not find from this perspective, any illegality in the judgment passed by the Divisions Bench warranting interference. C

As regards *C.A.No.478 of 1997 @ SLP (C) No.23207 of 1996*, the High Court has dismissed the writ petition holding that the entire proceedings is a nullity. Under those circumstances, no writ can issued as was sought for. D

The appeals are accordingly dismissed. No costs.

G.N.

Appeals are dismissed.