GAHC010234002025

2026:GAU-AS:14030

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6117/2025

METROPOLITAN TRANSPORT ASSOCIATION GUWAHATI, M.T.A.G
REPRESENTED BY ITS SECRETARY, SRI DEVRAJ DAS, AGED ABOUT 55 YEARS, SON OF LATE JYOTIRINDA KUMAR DAS, RESIDENT OF HOUSE NO 54, BYE LANE NO.1, AJANTA PATH, SURVEY, BELTOLA, IN THE DISTRICT OF KAMRUP, ASSAM, PIN-781028.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TRANSPORT DEPARTMENT, DISPUR, GUWAHATI, ASSAM, PIN-781006.

2:THE REGIONAL TRANSPORT AUTHORITY
REPRESENTED BY THE DISTRICT TRANSPORT OFFICER AND SCRETARY
KAMRUP METRO
BETKUCHI
GUWAHATI
ASSAM
PIN-40.

3:DISTRICT TRANSPORT OFFICER AND SECRETARY
REGIONAL TRANSPORT AUTHORITY
KAMRUP
METRO
BETKUCHI
GUWAHATI
ASSAM
PIN-40.

4:CHAIRMAN RTA AND DISTRICT COMMISSIONER KAMRUP METRO
BLOCK -A
4TH FLOOR

JANATA BHAWAN
DISPUR
GUWAHATI-06

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate), MR. K M MAHANTA,MR S GAUTAM

Advocate for the Respondent : SC. TRANPORT DEPTT., GA, ASSAM

Linked Case : WP(C)/7263/2025

METROPOLITAN TRANSPORT ASSOCIATION
GUWAHATI
REPRESENTED BY ITS SECRETARY
SRI DEVRAJ DAS
SON OF LATE JYOTIRINDA KUMAR DAS
RESIDENT OF HOUSE NO. 54
BYE LANE NO. 1
AJANTA PATH
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IN THE DISTRICT OF KAMRUP
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2:THE REGIONAL TRANSPORT AUTHORITY
REPRESENTED BY THE DISTRICT TRANSPORT OFFICER AND SECRETARY
KAMRUP
METRO
BETKUCHI
GUWAHATI
ASSAM

PIN - 781040.

3:DISTRICT TRANSPORT OFFICER AND SECRETARY
REGIONAL TRANSPORT AUTHORITY
KAMRUP
METRO
BETKUCHI
GUWAHATI
ASSAM
PIN -781040.

4:CHAIRMAN
RTA AND DISTRICT COMMISSIONER
KAMRUP M
BLOCK - A
4TH FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI - 781006

Advocate for : MR K K MAHANTA (Sr. Advocate)
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

B E F O R E

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner: Shri KK Mahanta, Sr. Adv.
Ms. N. Begum

Advocates for the respondents: Shri D. Nath, Sr.GA-Assam
Ms. MD Borah, SC-Transport

Date on which judgment is reserved : **27.08.2026**

Date of pronouncement of judgment : **22.09.2026**

Whether the pronouncement is of the
operative part of the judgment? : NA

Whether the full judgment has been pronounced? : Yes

JUDGMENT & ORDER

Both the writ petitions being connected and filed by the same petitioner, the same have been heard analogously and are disposed of by this common judgment and order.

2. By means of the writ petitions, the petitioner has put to challenge the decision of the Regional Transport Authority (RTA) Board dated 05.04.2025 pertaining to withdrawal of all the diesel city buses from plying on Route Nos.23 and 36 of City of the Guwahati from 01.01.2026 by designating the said two routes as Green Routes. The jurisdiction of the RTA to take such decision is also questioned.

3. As per the facts projected, the petitioner is a registered association of city bus owner of Guwahati, who have valid permits under the Motor Vehicle Act, 1988 (hereinafter the Act). A notice was issued on 28.12.2023 for removal of 200 nos. of city buses from their permitted routes which was as per a decision of the Board of the RTA, Kamrup dated 20.12.2023. The said decision was the subject matter of challenge in WP(C)/550/2024 instituted by the petitioner. This Court vide order dated 07.02.2024 while issuing notice had passed an interim order suspending the operation of the notice dated 28.12.2023. It was however observed that pendency of the writ petition would not be a bar for the State respondents to consider the modification of the permits of those buses after hearing the permit holders. However, the petitioner had thereafter filed IA(C)/1355/2025 in the said writ petition with a permission for withdrawal of the writ petition with liberty. This Court vide order dated 01.05.2025 had accordingly permitted the petitioner to withdraw WP(C)/550/2024.

4. Thereafter, on 21.11.2025 individual notices were issued to the permit holders for mandatory re-routing. It was stated that diesel city buses would be

routed out and the permit holders were given the option to choose amongst 10 alternative routes which would be allotted on first come first serve basis. The same was to be effective from 01.01.2026. The petitioners are aggrieved by the aforesaid action and have therefore, approached this Court.

5. I have heard Shri KK Mahanta, learned Senior Counsel assisted by Ms. N. Begum, learned counsel for the petitioner - Association. I have also heard Shri D. Nath, learned Senior Government Advocate, Assam along with Ms. MD Borah, learned Standing Counsel, Transport Department.

6. Shri Mahanta, learned Senior Counsel for the petitioner has submitted that the impugned resolution dated 05.04.2025 of the RTA, Kamrup is without jurisdiction and contrary to the scheme of Sections 67 and 68 of the Act. He has submitted that under Section 67, the State Government is empowered to issue directions to the State/Regional Transport Authorities and to formulate schemes concerning transport, including improvement of urban transport, environmental protection and energy conservation. Section 68(3) requires the transport authorities to give effect to such directions. He accordingly contends that the RTA is only an implementing/regulatory authority and cannot by itself introduce a policy of converting Routes Nos. 23 and 36 into "Green Routes". He submits that use of the expression "Green Route" cannot, by itself, confer jurisdiction which the statute does not grant.

7. The learned Senior Counsel for the petitioner has contended that the impugned decision is illegal as it seeks to oust buses having valid and subsisting permits from their permitted routes from 01.01.2026, without cancelling, suspending or lawfully modifying those permits. He submits that simply by adopting an administrative resolution designating the routes as "Green Routes", the valid permit cannot be rendered nugatory. He has further submitted that

while environmental concern may be one of the objectives for such designation of "Green Routes", the same has to be done in the manner prescribed by law under Section 67, which has not been done in the instant case. He accordingly submits that the impugned resolution is *ultra vires*, arbitrary and unsustainable in law. He also assails the decision to compel existing permit holders to choose or shift to another route. He submits that a stage-carriage permit authorizes operation on the route specified therein and does not confer a general right to operate on any alternative route. Alternatively, it is submitted that the RTA cannot force a permit holder to abandon his permitted route and operate elsewhere without following the statutory procedure for variation, grant of a fresh permit, or other lawful action.

8. On the aspect that there is a Cabinet decision, as contended on behalf of the State, the learned Senior Counsel for the petitioner has submitted that such Cabinet decision cannot constitute the source of power for the impugned action, inasmuch as, the same was never communicated or translated into any operative Government notification, direction or statutory scheme under the Act. Further, the RTA cannot act upon an unexecuted policy decision or assume jurisdiction to pass a resolution. He has further submitted that Section 103 would not come into operation as the same is only in the context of a scheme framed under Section 99 and cannot independently authorize the RTA to declare / notify certain routes as "Green Routes" and exclude existing operators. It is also submitted that the stage-carriage permits being valid and subsisting, the RTA cannot prevent their operation on the permitted routes without cancelling or suspending them. Such interference can be done only by strictly following the provisions of the statute including Section 86 and cannot be affected through an administrative resolution or an unnotified policy. He submits that permit holders

cannot be compelled to shift to another route, as permits are route-specific and any alteration requires lawful statutory authority which the RTA is not vested with.

9. On the aspect that the policy to shift to Green Route *per se* is not the subject matter of challenge, as contended on behalf of the State, the learned Senior Counsel for the petitioner has submitted that the very foundation of the impugned resolution dated 05.04.2025 and all subsequent towards introducing the concept of "Green Routes/Green Buses" has been challenged on the ground that no statutory notification or duly formulated and published scheme has ever been issued to create such a regime. He has also submitted that there is a necessity to conform to the requirements under Sections 99 and 100 of the Act, which has not been done and accordingly, the such designation of Routes 23 and 36 as "Green Routes" is without authority of law, rendering the consequential resolutions and actions unsustainable.

10. He further submits that buses are having valid permits for a specific route for a period beyond January, 2026 and till 2029, and therefore, they cannot be rerouted to other routes without cancellation of such permits under Section 72 of the Act. He submits that Section 72(2)(i) recognizes the route as a specified component of a stage-carriage permit, while Section 72(2)(xxii) empowers the RTA, after the prescribed notice, to vary the conditions of the permit or attach further conditions, subject to the statutory limitations prescribed therein. However, such power cannot be construed as an unrestricted power to substitute the route for which the permit was granted. He submits that a permissible modification may be made in accordance with the statutory requirements, such power cannot extend to the wholesale substitution of the existing route so as to fundamentally alter the identity and substance of the

permit. In the present case, it is submitted that preventing the petitioners from operating on the permitted Routes Nos. 23 and 36 and compelling them to operate on altogether different routes is not a mere variation of conditions, but a substantive alteration of the permit itself. In support of the contention, he has also relied upon Section 80(3) as per which an application involving alteration, variation, extension or curtailment of a route may, subject to the statutory exceptions, be treated as an application for grant of a new permit. He submits that when the proposed change is a wholesale substitution of the existing route, it cannot be achieved merely by describing the action as a variation of an existing permit.

11. The learned Senior Counsel for the petitioner has submitted that the impugned actions of the respondents are without jurisdiction, arbitrary and contrary to the provisions of the Act and violates the fundamental rights under Articles 14 and 19(1)(g) of the Constitution of India. Such illegal deprivation has caused the petitioners substantial financial and business losses, thereby entitling them to appropriate compensation and consequential reliefs in accordance with law.

12. In support of his submissions, the learned Senior Counsel for the petitioner has placed reliance upon the following case laws:

i. AIR 1963 SC 395 [Bachhittar Singh -Vs- State of Punjab]

ii. (2010) 11 SCC 182 [State of West Bengal -Vs- S.K. Nurul Amin]

iii. (2004) 6 SCC 440 [Captain Sube Singh - Vs- Lt.Governor of Delhi]

iv. AIR 1973 Gau 1 [Manik Chandra Das -Vs- The State of

Assam]

13. The case of ***Bachhittar Singh*** (supra) has been cited to support the submission that in absence of notification and circulation of the policy of the State, the same would not have a binding effect. The case of ***S.K. Nurul*** (supra) has been cited by contending that the Hon'ble Supreme Court in the said case had recognized the distinction between permissible modification of a route and granting a permit for an entirely different route, holding that a statutory power to modify a route cannot be enlarged into a power to substitute one route for another. In the case of ***Captain Sube Singh*** (supra), the principle has been reiterated when a statute vests certain power in an authority to be exercised in a particular manner than that manner has to be followed. In the case of ***Manik Chandra Das*** (supra), a Division Bench of this Court had discussed the principles involved in Section 68-C of the earlier Motor Vehicles Act, 1939 and laid down that there are two things which are necessary, namely, formation of an opinion with regard to the necessity of operating a State Transport Undertaking in the public interest to the exclusion of the permit holders and secondly, once such opinion is formed, the Corporation has to prepare a scheme and publish the same.

14. *Per contra*, Shri Nath, learned Senior Government Advocate, Assam submits that the decision declaring Route Nos. 23 and 36 is a Policy decision taken by the Cabinet in its meeting held on 20.08.2021 to make the city of Guwahati free from carbon emissions and in furtherance of the said decision, the RTA took initiative to gradually phase out the diesel operated city buses from the said Route Nos. 23 and 36. He submits that the same being a policy decision taken in the greater public interest, requires no interference by the Hon'ble Court. In this regard, he has relied upon the decision of ***Ugar Sugar***

Works Ltd. Vs. Delhi Administration reported in ***(2001) 3 SCC 635,*** wherein the Hon'ble Supreme Court has held that unless the policy decision taken by the executive is *mala fide*, unreasonable, arbitrary, or unfair, the same is not to be interfered.

15. The learned State Counsel has submitted that the decision has been taken by the Competent Authority by following the principles of natural justice and taking due care of the interest of the members of the petitioner/bus owners. In this regard, he has drawn the attention of this Court to the meetings of the RTA dated 20.12.2024, 05.07.2025, 05.08.2025 & 13.10.2025 in which various decisions were taken with the participation of the petitioners. The members of the petitioner/bus owners were encouraged to convert their buses to CNG/electric to continue in Route Nos. 23 and 36 or alternatively re-route their operation to one of the 10 alternative routes, as suggested. He has informed that out of more than 150 buses, about 100 buses have shifted to alternative routes but the remaining buses neither accepted the request to convert to CNG/Electric nor accepted the alternative routes. He has submitted that under Section 72(2)(xxii) of the Act, the RTA is empowered to modify the condition of permit in tune with the policy decision which has accordingly been done.

16. The learned State Counsel has denied that any fundamental rights of the petitioner have been violated. He submits that the petitioner/bus owners cannot claim fundamental rights to operate their diesel buses in Route Nos. 23 and 36 by invoking Article 19(1)(g) or Article 14 of the Constitution of India. He submits that such rights are to be considered with the regulations that the authorities may prescribe in the public interest. In this regard, he has relied upon the case of ***T.B Ibrahim Vs. Regional Transport Authority*** reported in ***(1952) 2 SCC 590*** wherein the Hon’ble Supreme Court, while dealing with a case of

imposition of restriction to run a bus stand at a particular place by the Appellant, has held that there is no fundamental right in a citizen to carry on business wherever he chooses and his right would be subject to any reasonable restriction imposed by the executive authority in the interest of public convenience.

17. He has further submitted that the notice dated 28.12.2023 whereby direction has been issued for removal of 200 city buses from their authorized routes w.e.f. 01.01.2024 onwards was earlier put to challenge by the petitioners in WP(C)/550/2024. This Court, vide an order dated 07.02.2024, while issuing notice, had passed an interim order suspending the impugned notice dated 28.12.2023. However, it was observed that pendency of the writ petition shall not be a bar for the respondents to consider the modification of the permits of those 200 buses after hearing the permit holders in accordance with provisions of the MV, Act 1988 and the Rules. It is in compliance of such direction that the notice dated 21.11.2025 was issued giving one month time to the individual bus owners to reroute their buses. He submits that such modification of permit is in consonance with Section 72(2)(xxii) of the Act and therefore, the same would not require any interference.

18. Responding to the argument made on behalf of the petitioner involving Section 103 of the Act, the learned State Counsel has submitted that the said provision would have no application in the instant cases inasmuch as, Section 97 to 108 comes under Chapter VI of the Act which is in connection with "Special Provisions Relating State Transport Undertaking". He has pointed out that "State Transport Undertaking" has been defined under Section 2(42) of the Act and the petitioners do not come under the aforesaid definition.

19. He has also informed that the petitioners had assailed the order dated

17.12.2025 passed in WP(C)/6117/2025 by preferring WA/414/2025 and the Hon'ble Division Bench, while dismissing the writ appeal on 19.12.2025 had observed that the decision of the RTA may not amount to implementation of a new scheme, but only varying the conditions of the permit where the provisions under Sections 98 to 101 of the Act would not be applicable. So far as the grievance with regard to the Permit Fee is concerned, he has submitted that the same is under consideration. He has accordingly prayed for dismissal of the writ petition.

20. The rival submissions advanced in the Bar have been duly considered and the materials placed before this Court have been carefully examined.

21. As noted above, the challenge is against the resolutions of the RTA for conversion of Route Nos. 23 and 36 from diesel operated mode to electric operated mode for the buses and in furtherance of the objective of having Green Routes. The challenge is both on the aspect of competency as well as procedural violation. The grievance also is on the aspect that the rates prescribed upon the petitioners are high.

22. It is the specific case of the petitioner that the RTA is not vested with powers for such conversion and consequent direction for re-routing of the permits granted to the petitioners. It is also contended that such direction for re-routing is in violation of the statutory provisions. At this stage, it would be relevant to record that though initially 200 buses were involved, the grievance is now limited to about 50 bus owners.

23. A perusal of the materials on record would clearly show that the resolutions of the RTA are not independently taken but such decisions clearly trace back to a Cabinet decision dated 20.08.2021. In the said meeting, the

Cabinet, amongst others, had taken a decision to make the Metropolitan City of Guwahati free from carbon emissions. It is also seen that subsequently, there was a meeting on 02.06.2023 of the ASTC and the Secretary of the Transport Department. In view of the aforesaid position, the first ground of challenge structured on the point of competency cannot succeed. The materials on record clearly show that the competent authority namely, the State Government had taken a decision and the subsequent resolutions by the RTA are merely consequential in nature.

24. The petitioners had tried to project a case that in absence of any communication pursuant to the meeting of the Cabinet held on 20.08.2021, the same cannot be implemented. However, this Court is of the opinion that such contention cannot be countenanced. The Cabinet decision taken on 20.08.2021 is in the nature of a policy which was also followed by a meeting dated 02.06.2023 of the ASTC and the Transport Department. Thereafter, necessary resolutions were taken by the RTA in which all the stake holders including the petitioners were present. The reliance on the case of ***Bachhittar Singh*** (supra) clearly appears to be misplaced.

25. On the aforesaid aspect, this Court is also of the opinion that the impugned resolutions emanate from the Cabinet decision which are in the realm of policy. It is trite law that the scope of challenging policy decisions is absolutely limited and unless such decision is patently illegal, arbitrary, unreasonable and to the detriment of public interest, the Court, in exercise of powers of judicial review would be loath in interfering with such policy decision. In this regard, this Court finds force in the argument advanced on behalf of the State by relying upon the case of ***Ugar Sugar*** (supra) and the following observations of the Hon'ble Supreme Court may be referred to:

> "*18. The challenge, thus, in effect, is to the executive policy regulating trade in liquor in Delhi. It is well settled that the courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive unless the policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc. Indeed, arbitrariness, irrationality, perversity and mala fide will render the policy unconstitutional. However, if the policy cannot be faulted on any of these grounds, the mere fact that it would hurt business interests of a party, does not justify invalidating the policy. In tax and economic regulation cases, there are good reasons for judicial restraint, if not judicial deference, to judgment of the executive. The courts are not expected to express their opinion as to whether at a particular point of time or in a particular situation any such policy should have been adopted or not. It is best left to the discretion of the State."*

26. This brings the Court to deal with the submission made on behalf of the petitioners who have relied upon Sections 98, 99, 100, 103, 104 and 105 of the Act. It has been contended that Section 99 makes it clear that the provisions of the Chapter would have an overriding effect on any existing law. The provisions relied upon relate to preparation and publication of proposal regarding Road Transport Service under Section 99, objection to the proposal under Section 100, issue of permits under Section 103, restriction under Section 104. However, the said contention relying upon the aforesaid provision of the Act would not be relevant at all in the present *lis* as all the referred provisions are part of Chapter VI of the Act which is on "Special Provisions Relating to State Transport Undertakings". From the nomenclature of the Chapter itself, it is clear that the provision under the Chapter would not have any role in the present

adjudication.

27. This Court is unable to accept the submission made on behalf of the petitioner that there has been violation of the principles of natural justice. Firstly, there is no requirement in law to give individual notices or opportunity in taking a policy decision which is taken by the elected representative of the people. Secondly and most importantly, this Court has seen that in the meetings of the RTA, the members of the petitioner were also present as they are the stake holders. For ready reference, in the minutes of meeting dated 05.07.2025, amongst the attendees, the representatives of the petitioner are recorded against Sl. No. 8. Further, in Sl. No. 3 (page 154 of the writ petition), it has been recorded that there was interactive session with the representatives of the petitioner. This Court finds force in the contention of the learned State Counsel that the decision was not abrupt but was gradually taken by holding deliberations.

28. This Court has noted that in the subsequent meeting dated 05.08.2025 held by the RTA, it clearly transpires that the members of the petitioner were given two options – either (i) to convert their vehicles into electric or CNG or (ii) operate in 10 other routes. It is also on record that the decision to shift to green mode was in fact agreed to by the petitioner in principle which has given an undertaking not to operate diesel fuel bus from 01.01.2026. The minutes of meeting dated 30.10.2025 further makes it clear that regarding the transition to Green Route, offering of alternative route to the petitioners and notices to the owner. A feeble submission was made on behalf of the petitioner that such undertaking was taken under coercion. However, a close perusal of the relevant pleadings in paragraph 6 of WP(C)/7263/2025 would show that there is no proper verification in the accompanying affidavit. The verification has been

made as per "Records" and no record could be produced. In a writ proceeding, the affidavit accompanying the writ petition is of significant importance as there is no scope of adducing evidence through witnesses or cross-examination.

29. This Court has also taken note of the fact that initially the petitioner had filed WP(C)/550/2024 with the grievance that one month notice was not given. This Court had passed an interim order on 07.02.2024 with the following observations:

> "*16. Having found that before taking action by the impugned Notice dated 28.12.2023 which amounts to suspension of the permits, no prior opportunities had been provided to the stage carriage permit holders of those 200 nos. of buses, prima facie the same amounts to violation of the principles of natural justice. In such view of the matter, this Court is of the considered view that the petitioner has made out a case for interim relief in the form of suspension of the Notice dated 28.12.2023. Accordingly, it is ordered that till the returnable date, the operation of the Notice dated 28.12.2023, whereby 200 nos. of city-buses having valid permits have been withdrawn w.e.f. 01.01.2024, shall remain suspended. As a corollary, it is further observed that this interim order shall be in respect of those stage carriage permits which have validity period beyond today, 07.02.2024. It is, however, observed that pendency of the writ petition shall not be a bar for the State respondents to consider the modification of the permits of those 200 nos. of buses after hearing to the permit holders, strictly in accordance with the provisions of the Motor Vehicles Act, 1988 and the rules framed thereunder."*

30. It reveals that in terms of the liberty granted by this Court, opportunity was subsequently given to the permit holders. Accordingly, on 01.05.2025 the

aforesaid writ petition WP(C)/550/2024 was dismissed on withdrawal. Thereafter, WP(C)/6117/2025 was instituted followed by WP(C)/7263/2025. It appears that as per resolution dated 13.10.2025 notices were given to all bus owners on 21.11.2025 offering the 10 alternate routes and options were invited. As per Section 72(2)(xxii) of the Act, the RTA may vary the condition of the permit with one month notice. In this connection, this Court find force in the contention of the learned State Counsel that reliance by the petitioner on the case of ***SK Nurul*** (supra) is misplaced. It clearly appears that the aforesaid case was under the proviso to Section 72(1) whereas the present case pertains to the proviso to Section 72(2)(xxii).

31. There is no dispute with the proposition of law urged by the learned Senior Counsel for the petitioner, who by relying upon the case of ***Singhara Singh*** (supra) submitted that when a prescription is given to do a certain thing in a certain way, that thing must be done in that way only. The Hon'ble Supreme Court in the said had also relied upon a landmark case of the Privy Council in ***King Emperor Vs. Nazir Ahmed*** reported in ***AIR 1936 PC 253***. However, the facts and circumstances in the instant cases will not be hit by the principles laid down by the aforesaid case as the action taken appears to be in conformity with the prescription of law in the Motor Vehicles Act.

32. There is another aspect which would have to be considered. In WP(C)/6117/2025, this Court vide order dated 17.12.2025 had declined to pass an interim order. The said order was put to challenge by the petitioner by preferring WA/414/2025. The said writ appeal was disposed of vide an order dated 19.12.2025 and certain observations which are required to be taken into consideration. Those are as follows:

"*We also find no merit in the contention of the appellant that such*

decision has been taken only for the purpose of monopolizing the plying of the State-operated buses in the above Green Routes. The notification does not spell out that the said Green Routes would be limited only for State owned buses, but for all CNG/electric buses.

The decision of the RTA may not amount to implementation of a new scheme, but only varying the conditions of the permit, where the requirements under Section 98 to 101 of the Motor Vehicles Act, 1988 would not be applicable.

We keep open such question for the present, as Mr. Mahanta, learned senior counsel for the appellant association seeks to withdraw this appeal in order to test his case before the learned Single Judge with the liberty to him to press for seeking some financial benefit with respect to payment of the dues, should he not succeed before the learned Single Judge."

33. Though the Hon'ble Division Bench had given liberty to press seeking financial benefit, the findings arrived at negating the contention that a monopoly was sought to be created have not been put to challenge in any higher forum and have attained finality.

34. This Court also finds force in the contention of the State that the petitioner cannot have a fundamental right to carry on business wherever he wants. In the case of ***TB Ibrahim*** (supra) relied upon by the learned State Counsel, the Hon'ble Supreme Court has made the following observations:

"*16. The next contention was that the order is repugnant to Article 19(1)(g) of the Constitution, according to which all citizens must have the right to practise any profession or to carry on any occupation, trade or business. It cannot be denied that the appellant has not been prohibited*

from carrying on the business of running a bus-stand. What has been prohibited is that the bus-stand existing on the particular site being unsuitable from the point of view of public convenience, it cannot be used for picking up or setting down passengers from that stand for outstation journeys. But there is certainly no prohibition for the bus-stand being used otherwise for carrying passengers from the stand into the town, and vice versa. The restriction placed upon the use of the bus-stand for the purpose of picking up or setting down passengers to outward journeys cannot be considered to be an unreasonable restriction. It may be that the appellant by reason of the shifting of the bus-stand has been deprived of the income he used to enjoy when the bus-stand was used for outward journeys from Tanjore, but that can be no ground for the contention that there has been an infringement of any fundamental right within the meaning of Article 19(1)(g) of the Constitution. There is no fundamental right in a citizen to carry on business wherever he chooses and his right must be subject to any reasonable restriction imposed by the executive authority in the interest of public convenience. The restriction may have the effect of eliminating the use to which the stand has been put hitherto but the restriction cannot be regarded as being unreasonable if the authority imposing such restriction had the power to do so. Whether the abolition of the stand was conducive to public convenience or not is a matter entirely for the Transport Authority to judge, and it is not open to the Court to substitute its own opinion for the opinion of the authority, which is in the best position, having regard to its knowledge of local conditions to appraise the situation."

35. This Court has also taken note of the submission advanced on behalf of

the State that the issue with regard to the permit fee is under consideration and would be addressed.

36. In the conspectus of the aforesaid discussion, this Court does not find any merits in the case of the petitioner and accordingly, the writ petitions are dismissed. So far as the consideration and outcome of the issue regarding the permit fee is concerned, in case of further grievance, the petitioner would be at liberty to approach the appropriate forum, if so advised.

37. Cost made easy.

JUDGE

Comparing Assistant