

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION  
PARALIMNI BUS CO. LTD.,

*Applicants,*

*and*

THE REPUBLIC OF CYPRUS, THROUGH

1. THE MINISTER OF INTERIOR,
2. THE PERMITS AUTHORITY,

*Respondents.*

(Case No. 75/66).

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*Motor Transport—Road Service Licences—Ruling on application for leave to amend claim in the motion for relief in the application in the recourse.*

*Administrative Law—Practice—Application for leave to amend claim in the motion for relief in the application in the recourse—Court cannot allow the amendment and, thus, allow Applicants to achieve, in fact, a contravention of Article 146.3 of the Constitution.*

In this recourse concerning the validity of road service licences, which was filed on the 7th April, 1966, Applicants by an application filed on the 24th June, 1967, applied for leave to amend claim "A" in the motion for relief in the recourse, in such a manner as to challenge the validity of road service licences granted by Respondent 2 to ten persons who are thus to be specifically involved in the proceedings for the first time.

*Held, (1).* If I were to grant the application for amendment applied for now, I would, in effect, allow this recourse to become a new recourse—against other distinct administrative acts—which would be filed today out of time, contrary to Article 146.3 of the Constitution, in the sense that it would be filed more than seventy-five days after the said acts came to the knowledge of the Applicants.

(2) Had the Applicants today, or on the 24th June, 1967, filed a separate recourse against the said acts, which they seek by the application for amendment to make subject-matters of the present proceedings, such recourse would have been clearly out of time in view of Article 146.3.

(3) I cannot, therefore, allow the amendment applied for and, thus, allow the Applicants to achieve, in fact, a contravention of Article 146.3 of the Constitution.

(4) The application for amendment fails and it is hereby dismissed.

*Order in terms.*

### **Application.**

Application for leave to amend claim (A) in the motion for relief in the application in this recourse, in such a manner as to challenge the validity of road service licences granted by Respondent 2 to ten persons, who are, thus, to be specifically involved in the proceedings for the first time.

*L. Clerides*, for the Applicants.

*K. Talarides*, Counsel of the Republic, for the Respondents.

*A. Pouyouros*, for the Interested Parties.

The following Ruling was delivered by:

TRIANTAFYLLIDES, J.: The Applicants have applied, on the 24th June, 1967, for leave to amend claim (A) in the motion for relief in the Application in this recourse, in such a manner as to challenge the validity of road service licences granted by Respondent 2 to ten persons, whose names appear set out in Schedule A to the application for amendment and who are, thus, to be specifically involved in these proceedings for the first time.

It is not in issue that the grant of the licences concerned to the said persons must have been known to the Applicants not later, in any case, than the end of January, 1966—when the relevant licensing scheme in relation to Famagusta District came into effect and was publicly notified.

The Applicants have in this recourse complained, by claim (B) in the motion for relief as originally drafted, against road service licences granted to the Cyprus Transport Co. Ltd., under the said scheme; claim (B) was, however, abandoned and struck out on the 29th May, 1967.

Then, as aforesaid, the Applicants filed on the 24th June, 1967, the present application for amendment of the motion for relief.

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Counsel for the Applicants has ingeniously argued that as the facts in support of the Application have been pleaded, originally, the complaint of Applicants against the licences granted to the persons referred to in Schedule A to the application for amendment, has been all along within the ambit of the recourse, right from the time it was filed.

I cannot, however, agree with this submission of counsel; especially as, in the Application, as originally filed, there was a claim—claim (B)—regarding a specific concern to which licences had been granted and it was the proper and natural course for the Applicants, if they, at the time, were complaining, also, against the licences granted to the persons mentioned in Schedule 'A' to the application for amendment, to have attacked them by way of the said claim (B), or another similar claim, for the purpose, in the motion for relief.

If I were to grant the application for amendment applied for now, I would, in effect, allow this recourse to become a new recourse—against other distinct administrative acts—which would be filed today out of time, contrary to Article 146.3 of the Constitution, in the sense that it would be filed more than seventy-five days after the said acts came to the knowledge of the Applicants.

Had the Applicants today, or on the 24th June, 1967, filed a separate recourse against the said acts, which they seek by the application for amendment to make subject-matters of the present proceedings, such recourse would have been clearly out of time in view of Article 146.3.

I cannot, therefore, allow the amendment applied for and, thus, allow the Applicants to achieve, in fact, a contravention of Article 146.3 of the Constitution.

The application for amendment fails and it is hereby dismissed.

*Order in terms.*