



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)Nos.1135 to 1137 of 2017
and
C.M.P(MD)Nos.7793 to 7798 of 2017**

W.A(MD)No.1135 of 2017

G.Rajendran
represented by his Power of Attorney
G.Ashikdeen

... Appellant/Respondent No.5

.Vs.

1.R.Gopinath

...Respondent No.1/Petitioner

2.The State Transport Appellate Tribunal
City Civil Court Building,
Chennai – 600 104.

3.The Regional Transport Authority,
Theni District,
Theni.

4.The Tamil Nadu State Transport Corporation
(Madurai) Limited,

1/30



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Dindigul Region,
Dindigul.

5.M.Rajendran

... Respondents

W.A(MD)No.1136 of 2017

G.Rajendran
represented by his Power of Attorney
G.Ashikdeen

... Appellant/Respondent No.1

.Vs.

1.The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul.

....Respondent/Petitioner

2.The Regional Transport Authority,
Theni District,
Theni.

3.R.Gopinath

4.M.Rajendran

5.The State Transport Appellate Tribunal,
City Civil Court Building,
Chennai – 600 104.

... Respondents



WEB COPY **W.A(MD)No.1137 of 2017**

G.Rajendran
represented by his Power of Attorney
G.Ashikdeen

... Appellant/Respondent No.3

.Vs.

1.Manickam Transport,
represented by M.Rajendran.

....Respondent/Petitioner

2.The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Dindigul.

3.The Regional Transport Authority,
Theni District,
Theni.

4.R.Gopinath

... Respondents /Respondents

PRAYER in W.A(MD)No.1135 of 2017 Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.19413 of 2014, dated 29.8.2016 and to direct the third respondent to comply with the order of the second respondent in Appeal No.57 of 2013, dated 30.10.2014.

PRAYER in W.A(MD)No.1136 of 2017 Writ Appeal filed under Clause 15 of



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Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.19737 of 2016, dated 29.8.2016 and to direct the Regional Transport Authority to comply with the order of the Appellate Tribunal made in Appeal No. 57 of 2013, dated 30.10.2014.

PRAYER in W.A(MD)No.1137 of 2017 Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.20130 of 2014, dated 29.8.2016 and to direct the Regional Transport Authority to comply with the order of the Appellate Tribunal made in Appeal No. 57 of 2013, dated 30.10.2014.

W.A(MD)No.1135 of 2017

For Appellant : Mr.B.Prasanna Vinoth

For Respondents :Mr.A.C.Asaithambi
1 and 5

For Respondents :Mr.D.Sachikumar
2 and 3 Addl.Govt.Pleader

For Respondent-4 :No appearance

W.A(MD)No.1136 of 2017

For Appellant : Mr.B.Prasanna Vinoth



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For Responent-1	:No appearance
For Respondents 2 and 5	:Mr.D.Sachikumar Addl.Govt.Pleader
For Respondents 3 and 4	:Mr.A.C.Asaithambi

W.A(MD)No.1137 of 2017

For Appellant	: Mr.B.Prasanna Vinoth
For Respondents 1 and 4	:Mr.A.C.Asaithambi
For Respondents 2 and 3	:Mr.D.Sachikumar Addl.Govt.Pleader

COMMON JUDGMENT

(Order of the Court was made by **P.VELMURUGAN.,J**)

These Writ Appeals are directed against the order of this Court made in W.P(MD)No.19413 of 2014,W.P(MD)No.19737 of 2016 and W.P(MD)No.20130 of 2014,dated 29.08.20216 and for consequential relief as stated supra.

2.Originally the Writ Petitioners/appellants filed applications before the third respondent for grant of mini bus permits to ply on the route of Theni



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Housing Board Colony to RMTC Nagar. It was rejected by the third respondent. Challenging the same, the appellant filed an appeal before the second respondent herein. The second respondent set aside the order of the third respondent and directed him to give permit to the appellant and challenging the same, the first respondent filed W.P(MD)No.19413 of 2014, third respondent filed Writ Petition in W.P(MD)No.20130 of 2014 and the fourth respondent filed Writ Petition in W.P(MD)No.19737 of 2016. Since all the Writ Petitions arising out of the same order passed by the second respondent, all the Writ Petitions are heard together and a common order dated 29.8.2016 is passed allowing the Writ Petitions and set aside the order passed by the second respondent. Challenging the same, now the appellant has filed the present three Writ Appeals.

3.All the Writ Appeals have been heard together and a common judgment passed by this Court.

4.The case of the appellant is that the appellant approached the Regional Transport Authority, the third respondent herein for grant of two mini bus permits from Theni Housing Board Colony to RMTC Colony. Subsequently, he filed



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application for modification of the route and the same was allowed by the second respondent. Against the order of the second respondent, neither the transport authorities nor the objectors/private respondents preferred any revision before this Court. Subsequently, the third respondent rejected the application of the appellant on different grounds and therefore, he filed an appeal before the second respondent. The second respondent considered all the facts and set aside the order of the third respondent and directed to give permit to the appellant on the modified area and also under the New Comprehensive Scheme introduced in the year 2011. Challenging the same, respondents 1,3 and 4 have filed Writ Petitions. The Writ Court, set aside the order of the second respondent and also allowed the Writ Petitions and therefore, the appellant is before this Court.

5. The learned counsel for the appellant would submit that the third respondent rejected the application filed by the appellant for grant of mini bus permit five times successfully on some other grounds after the remand order passed by the second respondent every time. Firstly, on 29.10.2003, the third respondent rejected the mini bus permit on the ground of narrow saturation and narrowness of the route. Aggrieved by the same, the appellant filed an appeal in



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Appeal No.1212 of 2003 before the second respondent and the same was allowed by the second respondent by order, dated 19.08.2005. and directed the third respondent to grant mini bus permit subject to the availability of vacancy earmarked, difficulty expressed by the authorities and on seniority. The said order of remand was not challenged by anybody and the same become final. The third respondent has not complied with the order of the first respondent and hence the appellant filed Writ Petition in W.P(MD)No.10252 of 2005 to implement the order of the second respondent and consequent to the remand order, the third respondent rejected the application of the appellant based upon the judgment of this Court made in W.A(MD)Nos.135 and 136 of 2006, dated 2.8.2006. Aggrieved by the same, the appellant filed a statutory appeal before the Appellate Tribunal, the second respondent herein in Appeal No.174 of 2009. In the said appeal, appellant filed an application for modification of the route so as to get over the judgment of this Court in the above said Writ Appeals and to bring the route within the norms prescribed within the modified area by approved scheme. The second respondent allowed the modification application on 3.3.2010 and allowed the said application and modified the route and directed the third respondent to grant mini bus permit on the modified route based on the norms



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prescribed in the Government Order and subject to the seniority and vacancy.

The order of remand is not being challenged by anybody and it became final. Again, the third respondent rejected the application on 11.1.2011. Aggrieved by the same, the appellant once again filed Writ Petition on the file of this Court in W.P(MD)No.826 of 2011 for issuance of a Writ of Certiorarified Mandamus and this Court also allowed the said Writ Petition on 27.6.2011 by quashing the order of the third respondent and issued a mandamus to implement the order of the third respondent made in Appeal No.174 of 2009 and they also not challenged the said order. Once again, the Regional Transport Authority reproducing the order, dated 11.01.2011 rejected the application of the appellant on 27.9.2011. Aggrieved by the same, the appellant once again filed an appeal in Appeal No. 122 of 2011 before the Second Respondent. The second respondent allowed the said appeal on 01.10.2012 and directed the third respondent to comply with the order. In Appeal No.174 of 2009 and also as per the directions of this Court in W.P(MD)No.826 of 2011, the transport Corporation who is the objector in the appeal did not enter appearance and private operators, though oppose the appeal successfully, did not challenge the said order and hence, the said order become final. Again as usual, the third respondent for the fifth time, rejeted the application



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of the appellant on 16.4.2013 on the ground which is not at all stated in the earlier order that out of route length of 5.7 km out of which 2.1. km is lying in unserved area and remaining 3.6 k,m, in served area. However, the unserved sector of 2.1. k.m. is found to be a very narrow street and unsafe for operating a mini bus, which is not the reason stated in the earlier order. In spite of the order of the second respondent which directed the third respondent to comply with the order made in Appeal No.174 of 2009 and the order passed by this Court in W.P.NO.826 of 2011 once again aggrieved by the same, the appellant, filed Appeal No.57 of 2013 and the second respondent by order, dated 30.10.2014 allowed the appeal and directed the third respondent to grant permit to the appellant in terms of the order of the appellate Tribunal made in Appeal No.174 of 2009 and the order of this Court made in W.P(MD)No.826 of 2011 and Appeal Nos. 57 of 2013, on the file of the second respondent. Challenging the said order dated 30.10.2014 passed by the second respondent in Appeal No.57 of 2013, the first respondent filed W.P(MD)No.119413 of 2014, third respondent filed Writ Petition in W.P(MD)No.20130 of 2014 and the fourth respondent filed Writ Petition in W.P(MD)No.19737 of 2016.



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6. The learned Single Judge, after hearing the same, passed a common order allowing the Writ Petitions and set aside the order of the second respondent. Therefore the appellant is before this Court. The learned counsel for the appellant further submit that the third respondent every time is finding different reasons and remand the matter and directed the third respondent to consider and issue permit as per the norms prescribed therein. But the third respondent every time finding some reason or other rejected the request of the appellant for five times. The second respondent passed order and directed the third respondent for five times to grant permit to the appellant and all the five times, the third respondent only rejected the said orders. Though the order of the appellate authority in earlier occasions was challenged by the respondents herein, but even then, the third respondent is not implementing either the directions of the second respondent or the order of this Court in W.P(MD)No.826 of 2011, dated 27.6.2011 and also failed to comply with the order of the appellate Tribunal. However, lastly, the second respondent considering all the facts and has also given directions on 30.10.2014. Challenging the same, now the respondents have filed three separate Writ Petitions and the learned Single Judge failed to consider that the modified request was allowed by the second respondent



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appellate Tribunal by order, dated 3.3.2010 in Appeal No.174 of 2009 and the third respondent, who is the party before the second respondent in the said appeal and they did not object for the modification of the route on the ground of narrowness of the route and also the remand of the appeal once again . When the third respondent rejected the application by proceeding, dated 11.01.2011, there is no whisper about the narrowness of the route or unsafety of the public but only on the ground that the Appellate Tribunal has no jurisdiction to modify the route as the same is hit by Section 72(2)(22) of the Act. Therefore, if actually the route is narrow and unsafety for the travelling of the public, they ought to have stated the same but it is only after three remand orders being passed, as an afterthought to deny the legitimate claim of the appellant for the grant of permit. The third respondent invented these reasons for rejection and consequently, non consideration of these vital aspects also, mandamus was issued by this Court in W.P(MD)No.10252 of 2005, by order, dated 17.11.2005 to implement the order of the second respondent made in Appeal No.122 of 2003, dated 19.3.2005. It would go to show that inspite of mandamus issued by this Court to consider the application of the appellant and to pass orders in the light of the observation made by the Appellate Tribunal and as such the issuance of Writ of Mandamus has



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reached its finality. The respondents 1 and 3 are bound by the same. The learned Single Judge failed to consider the same also and further the rejection order, dated 11.01.2011 for certiorarified Mandamus and this Court after hearing, passed an order directing the third respondent to comply with the order of the second respondent made in Appeal No.174 of 2009. The said order having become final which is binding upon the learned Single Judge and there is a gross error in not advertng to the material aspects and consequently, the impugned order suffer from perversity and illegality, warranting interference by this Court.

7. The learned counsel for the private respondents/ objectors would submit that the 1991 scheme was subsequently changed in the year 2011. He would further submit that for the fifth time when the second respondent has taken the application of the appellant, private respondents also made objection for rejecting the mini bus permits. While considering for the fifth time for grant of mini bus permits to the appellant for the applied route, the second respondent has taken the earlier view as well as during the pendency of hearing stated that the mini bus scheme of the year 1999 is not in force and the scheme has been modified in the year 2011 and as per G.O.Ms.No.136, Home(Transport-III)



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Department, dated 23.2.2011, a New Comprehensive Scheme was introduced and as per the new scheme, no new permit can be granted to the appellant and on that ground, once again the application was rejected by the third respondent on 16.4.2013. Therefore, the appellant on 16.4.2013 once again in a routine manner, filed an application before the Appellate Authority in Appeal No.57 of 2013 on the ground that his application was rejected by the Original Authority namely, the third respondent. Under the impression that the application of the appellant was rejected repeatedly in a routine manner and therefore now the appellant is not entitled to the relief sought for, due to the change of the scheme in the year 2011.

8.The Official respondents would submit that the third respondent has given valid reason for considering the report of the Motor Vehicles Inspector Grade-I, dated 18.2.2003 and rejected the application of the appellant, but whereas, while considering the appeal, the appellate authority has not considered the same and pass appropriate orders. The learned Single Judge has clearly stated that the public interest and safety is of paramount consideration and considering the fact that the route sought for by the appellant is very narrow and also hollow



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block road and electricity wires are passing through and considering the safety and security of the public, the third respondent rejected the application of the appellant, whereas, the second respondent without considering the same, passed orders. Therefore, the Writ Court considered the same and allowed the Writ Petitions and set aside the order of the third respondent. Further, the reasons for rejection made by the department is that from Vasuki colony to Arasu Nagar there is no residential area. Hence the mini bus permits need not be given to the said area and subsequent report of the Motor Vehicles Inspector Grade-I, dated 18.12.2013 was not considered by the appellate authority namely, the second respondent. Even though the report of the Motor Vehicles Inspector Grade-I as well as the report of the Regional Transport Officer are in the file of the appellate authority, he has not considered the same and the third respondent also did not challenge the order of the appellate authority in Appeal No.57 of 2013. Therefore, the Writ Court rightly discussed and considered the entire vital factual matrix and considered the interest and safety of the public, allowed the Writ Petitions and there is no merit in the Writ Appeals and the same have to be dismissed.



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9. Heard the submissions made on either side and perused the materials placed before this Court.

10. Admittedly, the appellant made applications before the third respondent seeking permission to run minibus and the same was rejected by the third respondent and challenging the same, he filed appeal before the second respondent. The second respondent set aside the order of the third respondent and gave direction to the third respondent to consider and grant mini bus permit as per the norms and the respondents filed Writ Petitions and the learned Single Judge of this Court allowed all the three Writ Petitions and hence, the appellant is before this Court by filing these three Writ Appeals.

11. The main objection of the respondents/Writ Petitioners are that in the modified route, the bus cannot be easily ply on the road since the route width is very less than the width of the mini bus. Hence it is not possible to ply mini bus on the modified route and further there is cement slab on the road and if the vehicle is moving on the slab, it will be broken and public will suffer to travel on the said road and electricity poles found passing through the same road. It



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may also cause danger to the life of the public at large and therefore, they made objections for granting permission and though the third respondent accepted the objections and the Transport Department also rejected the application, however, the appellant filed appeal before the second respondent. The second respondent considered the same and subsequently, the appellant filed modification application and admittedly, there are five rounds of litigations and the second respondent also gave directions and also since they failed to comply with the said order, the appellant filed writ Petition before this Court and get directions. Still the third respondent failed to comply with the order of the appellate authority or the order of this Court. Therefore, once again filed appeal before the appellate authority namely, the second respondent. The second respondent considered the entire proceedings and also the earlier proceedings between the parties and direction by the appellate authority in the earlier proceedings and directions of this Court also. The second respondent directed to issue permit but still the third respondent has not accepted the view taken by the appellate authority and once again the appellate authority has given directions. Since the same was not considered the respondents have filed Writ Petitions.



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12. Now the points for consideration is as to whether the order passed by the appellate authority is correct and whether the order of the single Judge warrants interference?

13. The third respondent passed an order finally in the last round of litigation which leading to the filing of these three Writ Petitions and appeals and the third respondent passed the rejection order, dated 16.8.2013 and the relevant portion reads as under:

“12.(i).....

(ii).....

(iii) *The modified route is found to have a route length of 5.7 km., out of which, 2.1 k.m is lying in unserved area and the remaining 3.6 k.m in served area. However, the unserved secor of 2.1 k.m is found to be very narrow street and unsafe for operating a mini bus.*”

14. Challenging the said order, the appellant filed an appeal before the second respondent in Appeal No.57 of 2013 and after hearing the same, the second respondent passed an order on 30.10.2014. The relevant portion of the order passed by the second respondent is extracted hereunder:

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“10. On perusal of records and the Regional Transport Authority’s order, originally, the appellant has approached the Regional Transport Authority for grant of two mini bus permits from Housing Board Colony to RMTC Colony. Subsequently, he filed application for modification and the same was allowed by this Tribunal. Against the order, neither the transport authority nor the objector has preferred any revision before the Honourable High Court. Further the road is narrow one and width also less than the width of the bus, the point was raised before the Regional Transport Authority and this tribunal by the objector and the same has been rejected. Thus it amounts to resjudicata. Neither the objector nor the Departmental Representative have no locus standi to raise the same objection before this Tribunal now. Though the New Comprehensive Scheme has been introduced in 2011, in view of the remand, the existing rights of the appellant cannot be taken away by giving retrospective effect to the statutory provision. To support his contention, the learned counsel for the appellant has relied on the judgment reported in (1983) 3 SCC 33 (A.A. Calton .vs. Director of Education and Another). In view of the judgment relied on by the learned counsel for the appellant as well as on perusal of the records, there is a clear finding given by this Tribunal in 2010. The Regional Transport Authority was directed to grant two mini bus permits in accordance with law within the stipulated period. But, without considering the said fact, the Regional Transport Authority has rejected the application and it is not sustainable in view of the judgment relied by the counsel for the appellant. The Regional Transport Authority is sitting on the judgments of this Tribunal, the



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Regional Transport Authority has not discussed anything about the new revision, but the authority has followed the order of his predecessor's earlier order. In Appeal No.122 of 2011, the Appeal was allowed by this Tribunal on 1.10.2012. During that period the New Comprehensive Scheme, 2011 has been introduced, but this Tribunal has directed the authority to consider the application of the appellant. The relevant portion is as follows:

“It is stated on behalf of the respondent herein, that the order passed by the respondent is right in law, weight of evidence and probability of case and not against the public interest. However, on a careful scrutiny of the entire records, particularly, the file filed by the respondent, it is found that the respondent has not passed the impugned order in accordance with law and also as per the judgment passed by the State Appellate Tribunal in M.V.App.No.174 of 2009, dated 03.03.2010 and also as per the direction of the Honourable High Court made in W.P(MD)No.826 of 2011, dated 27.6.2011. Accordingly, it is found that the impugned order passed by the respondent has to be set aside and the matter has to be remitted back to the respondent for fresh disposal in accordance with law and also as per the judgment passed by the State Transport Appellate Tribunal in M.C.App.No. 174 of 2009, dated 03.03.2010 and also as per the direction of the Honourable High Court made in W.P(MD)No.826 of 2011, dated 27.6.2011 and both the points are answered accordingly.

11. In the result, the order of the Regional Transport Authority, Theni District



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made in Proc.R.No.16463/A2/2004, dated 27.09.2011 is set aside and the matter is remitted back to the Regional Transport Authority, for fresh consideration in accordance with law and as per the judgment passed by the State Transport Appellate Tribunal in M.V.App.No.174 of 2009, dated 03.03.2010 and also as per the direction of the Honourable High Court, made in W.P(MD)No.826 of 2011, dated 27.6.2011. It is made clear that the respondent has to pass necessary orders as expeditiously as possible. The parties shall cooperate for ensuring the disposal of the matter as expeditiously as possible. The appeal is ordered, accordingly.”

On perusal of the records produced by the learned counsel for the appellant, in Page No.23, the report of the Motor Vehicles Inspector is available, the Motor Vehicles Inspector has inspected the route and he submitted the report on 29.05.2010. In the report,he has stated that:

□வழித்தட அனுமதி கோரப்படும் லட்சுமிநகர், தென்றல் நகர். சிவானந்த காலனி, வாசுக்கி காலனி மற்றும் அரசு நகர் ஆகிய குடியிருப்பு பகுதிகளுக்கு சிறுந்து வசதி இல்லை என்பதை தெரிவித்துக்கொள்கிறேன். மேலும், புதிதாக அமைந்துள்ள இக்குடியிருப்புகளை கருத்தில் கொண்டு அனுமதி வழங்கலாம் என்பதை பணிவுடன் தெரிவித்துக் கொள்கிறேன்.□

The Departmental Representative has contended that Vasuki Colony and Arasu Nagar there is no residential area, hence the bus permit need not be given to the said area. But as per the report filed by the Motor Vehicles Inspector, Grade-



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1. Theni, public were residing in the particular area, in these circumstances, the objection raised by the Departmental Representative is not sustainable. The appellant though knowing well that cement slab has been laid in Murugan Koil Theru and electrical line is passing through Lakshmi Nagar and Vasuki Nagar, filed application for modification on the said route. Thus, it is open to the Regional Transport Authority, to take appropriate action, if the appellant fails to operate the vehicle on the said routes.

11. For all the reasons, the question, the question of fresh consideration does not arise since this authority has repeatedly rejected the request of the appellant without following the order of this Tribunal. Under these circumstances, this Tribunal is of the view that the authority is to be directed to grant the mini bus permits in accordance with law, subject to seniority and vacancy and these points are answered accordingly.

12. In the result, the appeal is allowed in part and the order of the Regional Transport Authority, Theni District, Theni made in proceedings R.No. 16463/A2/2012, dated 16.4.2013 is set aside. The matter is remitted back to the Regional Transport Authority, with a direction to grant the mini bus permits in accordance with law, subject to seniority and vacancy. ‘

15. Challenging the said order, the respondents filed three writ Petitions. Considering the same, the learned Single Judge passed an order, the relevant



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portion of which reads as under:

18.It may be mentioned here that allowing the operation of Mini bnuses in rural areas, wehre the transport Corporation vehicles have no operation, is definitely a welcome measure, for, it promotes the public interest of rural folks suffering for want of transport facilities. That is the reason why the existing Minibus operations have been welcomed by the rural people, agriculturists and students in remote areas in order to advance their education, economic and social activities. This Court is also aware of the fact that public interest demands that the authorities must give effect to the policy of the Government and implement the provisions of the Act with urgency and expediency. At the same time, one should not be oblivious to examine the other side relating to vital elements like safety, viability, risk factors, etc.In this regard, when the Report submitted by the Motor Vehicles Inspector, which is exhaustive in nature, and also the one submitted by the Regional Transport Authority, are taken into account, it is apparent that the negative factors are overweighing and hence, endorsing the decision for grant of permit is not desirable. The reports are very specific that owing to the narrowness of the roads'width, the low level passing of electric wires, the possibility of damage to the cement slabs, the inconvenience to the road users/public/residents in the modified route etc., grant of permit to operate Mini Bus is absolutely unwarranted. This Court, as already pointed out, though does not find fault with the Tribunal in forwning upon the indifferent attitude of the RTA, in the same line, is not able to endorse the positive direction on the face of the numerous negative factors adverted to in the Reports. When there is a question of choosing between public interest and public



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safety, it goes without saying that this Court would always cling by the side of public safety. In that view of the matter, this Court inclines to set aside the order passed by the Tribunal.”

16. Though the main objection made by the Transport Department is that narrowness of the road, cement slabs are there and due to movement of buses they will be broken and moreover, there are low level passing of electric wires through the said road which would cause inconvenience to the road users / public. However, considering the report of the Regional Transport Officer, the appellant now restricted the route other than the one stated in the application earlier.

17. The learned counsel for the appellant submitted that the appellant is restricting his route and plying the vehicle in the modified route will not cause any harm to the general public. Therefore, though the learned counsel for the private respondents would submit that scheme of the year 1999 was subsequently changed in the year 2011, the appellant has made an application before the appellate authority for modification of the route and that application was allowed by the appellate authority and the same was not challenged by the respondents and that was also not challenged by any of the parties or objectors or



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department. Now the appellant has restricted his route. Therefore, it is seen from the records that the objectors/private respondents are plying the bus only in the modified route as sought for by the appellant herein and when application has been given by the appellant seeking permission in the modified route, the authorities have refused to grant permit and they have given various reasons as discussed by the appellate authority and the reason for rejection is not acceptable. When the application is filed by the appellant seeking modification of the route and the same was allowed and the applicant has also given an undertaking that he will abide by the norms prescribed by the authorities in this regard and also seeking permission to ply the vehicle in the modified route. Therefore considering all these facts and circumstances, the learned Single Judge has allowed the Writ Petitions and set aside the order of the second respondent only on the ground of public safety. But no other reason whatsoever has been given. Therefore, when it is stated that the earlier scheme of the year 1999 was in force, the appellant has made applications before the third respondent and the said authority has rejected the same one after another stating one reason or other and every time, the said order was challenged before the second respondent. Everytime, the second respondent set aside the order of the



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third respondent and directed the third respondent to consider and grant permission to the appellant to ply the minibus. Even this Court also passed a mandamus and also Certiorarified mandamus and directed the third respondent to consider the same and the same was considered and rejected every time. The second respondent/appellate authority has given reason for setting aside the order of the third respondent and the same was challenged by the respondents in Writ Petitions. While considering the same, the learned Single Judge has not given any other reason except the reason that only considering the report of the Motor Vehicles Inspector and the Regional Transport Authority and also given the reason of Public safety and interest. When the other persons are allowed to ply minibus on the same route, rejection of the application of the appellant to ply mini bus on the very same route is not acceptable to this Court and the same is arbitrary, especially, when the appellant filed modification application before the appellate authority and the same was allowed and also modified as per the new scheme. Though the private respondents submitted that as per the new scheme of the year 2011, now new route will be permitted, however, the appellant made application earlier in the old scheme of the year 1999, when it was in force. Even after the new scheme of the year 2011 was introduced, the appellant filed



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modification application and the same was allowed by the appellate authority and also gave directions to the third respondent to grant permit to the appellant, the third respondent rejected the same for five times stating one reason or other. Therefore the learned Single Judge allowed the Writ Petitions on the ground considering the public safety and interest. When the other persons are permitted to ply the minibus on the same route, the rejection of the application of the appellant seeking permission to ply minibus on the same route is not acceptable. Moreover, the appellant has also restricted his prayer considering the difficulties expressed by the authorities to ply vehicle in certain areas stating the difficulties such as narrowness of the road, cement slab on the road will be broken, when the mini bus is permitted to operate in certain areas and that there are low level electric wires are crossing the road, which cause danger to the life of the public at large.

18. For all the reasons aforesaid, the order of the learned Single Judge impugned herein in these three Writ Petitions are set aside and by confirming the order of the second respondent, the third respondent is directed to consider the application of the appellant and issue permit to run minibus in the restricted route



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sought for by the appellant taking into consideration the interest and welfare of the public at large and within the permissible norms issued in this regard under the New Comprehensive Scheme, 2011.

19. With the above directions, these Writ Appeals stand allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[P.V.,J.] [K.K.R.K.,J.]
02.09.2024

NCS : Yes/No

Index : Yes / No

Internet : Yes / No

vsn

To

1. The State Transport Appellate Tribunal
City Civil Court Building,
Chennai – 600 104.

2. The Regional Transport Authority,
Theni District,
Theni.

3. The Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Dindigul.

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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

vsn

COMMON JUDGMENT MADE IN

W.A(MD)Nos.1135 to 1137 of 2017
and
C.M.P(MD)Nos.7793 to 7798 of 2017

02.09.2024



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