



THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 30.07.2026

Order pronounced on : 07.08.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.1966 of 2024

K.Vaiapuri

.. Petitioner

Vs.

1. The Regional Transport Authority
Namakkal District, Namakkal.
2. Jayam Bus Transport
D.No.120/2, Kavingnar Ramalingam Street,
Namakkal.
3. Tufail ahamed B.A
4. Vaiyapuri.K.
5. Dhayalan P.Pappu Reddiyar
6. Sri Jayamurugan Bus Service
D.No.120/1, Kavingnar Ramalingam Street,
Namakkal.
7. Jeya K.Karruppu Chetty A
8. Siddaarthan D.P.Dhayalan



9. Vijayalakshmi S

10.M/s.Veerappan and Co
Sri madeswara Bus service, 55,
New Agraharam, Namakkal.

11.N.Kalyanakumar

12.Salaimanickakm S.Sivashanmugasundaram,

13.Kuppusamy V.Verrappa Chettiar,

14.Sri Rajamurugan Bus Service
D.No.72, Paramathi Road, S.P.Pudur,
Namakkal.

15.Kirubabalu B.K.Balasubdsramaniam,

16.Vasanthi P.Kandasamy.D

17.Suresh Babu B.Balakrishnan

18.Tharun.K.Kumaravel

19.K.S.Palanisamy

20.Palanivel K.Kuppusamy,

21.Saravanakumar J.Jagadeesan.S

22.Parivallai P.Perumal

23.Chinusamy, Muthusamy

24.V.S.Thennarasu, Selvaraj

25. Padma S.Sengapillai



26. Selvamani K.Karuppa Gounder

27.Malathi P.P.Pafrivallal

28.Manimaran P.Late R.Perumal

29.Murugan Bus Service
191-57-A, Salem Road,
Namakkal.

30.Amutha T

31.Sreeraaghanidhi A.Arthnaresswaran

32.Karupanidhi kasrunanidhi

33.Karthick S.Sathiaseelan.S.

34.Sri Devi Bus Service
No.45/11b, CHB Colony Street, No.8,
Velur Road, Tiruchengode Post, Namakkal.

35.Sampathkumar P.Perumal T.P

36.Selvaraj.P.Palaniayappan

37.S.Kiruthika

38.A.M.Vijayaraman

39.K.R.S.Chandra Sekaran

40.M.Chellamuthuy,

41.P.Palanisamy

42.Rajkumat P.Ponnusamy.M

43.M/s.Tamil Nadu State Transport Corporation
Limited, Salem Division, 27, Ramakrishna Road,



Salem 7.

44.M/s Tamil Nadu State Transport Corporation
Limited, Kumbakonam Division,
Priyamilaguparai, Tiruchirapalli 620 001.

45.M/s.Tamil Nadu State Transport Corporation
Limited, Madurai Division, Bye pass Road,
Chettinaickenpatty P.O. Dindigul 624 305.

46.The President,
Private Bus Owner Association,
Namakkal/Karur/Salem/Tiruchirappalli/Tiruchengode.

47.Meera Dhayalan

48.P.R.Ponnusamy Gounder,

49.A.Senthilkumar

50.P.R.Venkatraman

51.Varadharajan C

52.Karuppannan.C

53.P.Balanbabu

54.Sathiabama V

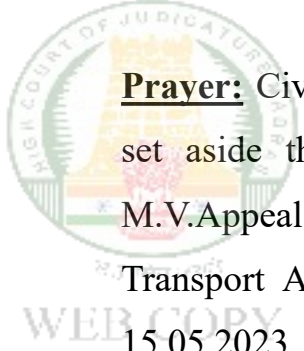
55.S.Raja Gounder,

56.M.Chinnusamy

57.K.C.Sivaganapathy

58.S.James

.. Respondents



Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order of the State Transport Appellate Tribunal, Chennai made in M.V.Appeal No.31 of 2023 dated 04.01.2024, confirming the order of the Regional Transport Authority Namakkal (South Region) made in R.No.23086/A#/2022 dated 15.05.2023.

For Petitioner : Mr.M.Palani

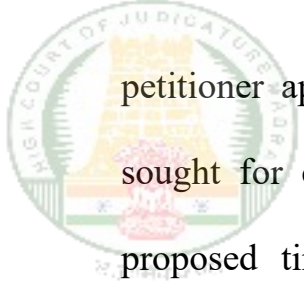
For Respondents : Mrs.S.Yogalakshmi
Government counsel for R1
Mr.M.Aswin for R43
No appearance for RR2, 6, 36, 44 & 48
RR3-5, -35, 37-42, 45-47 & 49 & 49-58 given up

ORDER

The permit holder, whose application for variation of the permit has been rejected is the revision petitioner.

2.I have heard Mr.M.Palani, learned counsel for the revision petitioner and Mrs.S.Yogalakshmi, learned Government counsel for the 1st respondent and Mr.M.Ashwin, learned counsel for the 43rd respondent.

3(a).The petitioner admittedly is holding a valid permit to operate bus service between Karur to Karavalli. The permit is valid till 19.01.2028. On 02.08.1995, the



petitioner applied for two additional singles between Namakkal and Karur and also sought for change of night halt from Namakkal to Karur, along with existing and proposed timings. Necessary fee was also paid on the application for variation.

Objections were invited in terms of Section 6(2) of the Tamil Nadu Act 41 of 1992 r/w Rules (1) and (2) of (Special Provisions) Rules 1995. The report of the Motor Vehicles Inspector, Karur was also obtained regarding the route variation sought for by the petitioner. Some of the operators gave their objection.

(b) The Motor Vehicles Inspector was issued a reminder for furnishing the details as sought for in the earlier notice dated 02.11.1995. Pursuant to the same, the Motor Vehicles Inspector Grade – I, Karur also submitted his report on 19.01.1996, indicating the number of buses plying, occupancy ratio, distance particulars, etc. It is contended by the Regional Transport Authority, Namakkal, that there is no provision to consider variation of the permit as sought for by the petitioner and it was also observed that it was not in the interest of the general public as well. The petitioner's application was rejected by the Regional Transport Authority, Namakkal on 14.07.2009. The same was challenged by way of Motor Vehicles Appeal No.154 of 2009 before the Tribunal. The appeal was allowed on 22.02.2010 and the matter was remitted to the Regional Transport Authority for fresh consideration to give sufficient opportunity to the petitioner, before passing any final orders.



(c)The Tribunal thereafter rejected the request of the petitioner which was challenged in W.P.No.12083 of 2010. This Court, by order dated 25.09.2012, allowed the writ petition and directed the Regional Transport Authority, Namakkal to consider the application of the petitioner for variation, in accordance with Section 6(2) Tamil Nadu Motor Vehicles (Special Provisions) Act 1992 and Rule (4) of Tamil Nadu Motor Vehicles (Special Provisions) Rules, 1995, after issuing notice to all parties concerned and also within a time bound manner. Subsequently a hearing notice was sent to the petitioner and all sector operators. As no further action was taken, pursuant to the directions of this Court, the petitioner filed a representation before the District Collector, Namakkal on 12.07.2022, reiterating his request for variation of the permit. Thereafter, the Regional Transport Authority, Namakkal called upon the petitioner to explain and justify whether his vehicle is plying as per permit since several representations were received from private operators regarding non operation of the petitioner's bus in terms of the permit. Subsequently there has been exchange of communications between the petitioner and the authorities. Finally, the Regional Transport Authority, by order dated 15.05.2023, rejected the petitioner's request for variation. The same was challenged by the petitioner before the State Transport Appellate Tribunal in M.V.A.No.31 of 2023.

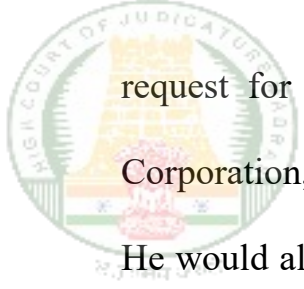


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(d) The Tribunal, found that the objections with regard to Section 80(3) of the Act are inapplicable to the request of the petitioner for variation and that the distance factor also would be of no consequence. However, referring to the authority's observations that if variation is granted, it would cause public inconvenience, proceeded to confirm the order of the Regional Transport Authority, by dismissing the appeal.

4.Mr.M.Palani, learned counsel for the revision petitioner would state that having held that the petitioner was entitled to variation, the Tribunal ought not to have confirmed the order of the Regional Transport Authority on consideration of extraneous factors, namely public inconvenience because of the change of timings. He would further state that neither the Regional Transport Authority not the Appellate Tribunal have understood the scope of the remand made by this Court in the writ petition at the earliest instance. He would further state that the petitioner is already operating shuttle trips between Karur and Namakkal on the main road and the extension was sought only on the existing route alone, which would in no manner cause any inconvenience to the general public.

5.In fact, it is his submission that by granting variation it would only serve public interest as a direct transport facility between Karur and Karavalli would become a reality. He would further state that no person representing the general public opposed the

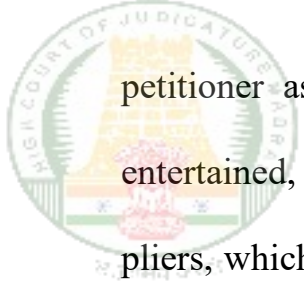


request for various and it was only other private operators and also the Transport Corporation, who opposed the variation request, which was clearly for selfish reasons.

He would also rely on the decision of this Court in *M/s.Easy Ride Transports, Tiruppur Vs. the Regional Transport Authority, Tiruppur and others* in CRP.(NPD).No.3134 of 2023 dated 31.07.2024 and also my order in *N.Natarajan and another Vs. The Regional Transport Authority, Dharmapuri*, in CRP.Nos.150 & 151 of 2022 dated 06.02.2026. He would also place reliance on the decision of the Hon'ble Supreme Court in *Abdul Hai Khan Vs. Subal Chandra Ghose and others*, reported in (2002) 4 SCC 519.

6.Per contra, Mrs.S.Yogalakshmi, learned counsel for the 1st respondent would state that the arguments advanced on the side of the petitioner are misconceived. The writ court did not direct the Authority to issue variation as projected by the petitioner and the request of the petitioner was only directed to be considered on merits. She would therefore state that the authority, as well the Tribunal have not misunderstood the scope of order in the writ petition and have rightly gone into the pros and cons before rejecting the variation request sought for by the revision petitioner. She would therefore, pray for dismissal of the revision petition.

7.Mr.M.Ashwin, learned counsel appearing for the State Transport Corporation would state that in view of Section 80(3) of the Act, variation cannot be granted to the



petitioner as prayed for. He would further state that if such variation requests are entertained, it would lead to manhandling of State Transport bus operators by private pliers, which would ultimately not serve the cause of the public. It is also his contention that Act 19 of 1996 clearly places an embargo on variation of conditions of permit of a stage carriage and the very application for variation was therefore not maintainable.

8.However, it was brought to my notice by the learned counsel for the petitioner and also fairly conceded by Mr.M.Ashwin that the Division Bench of this Court in *R.Srinivasan Vs. State of Tamil Nadu, represented by the Secretary, Home Department and another*, reported in (2003) 4 CTC 12, struck down Act 19 of 1996, as unconstitutional. Therefore, no reliance can be placed on the said Act. He would also pray for dismissal of the revision petition.

9.Insofar as the objections with regard to Section 80(3) as well, I am able to see that the very same contentions were taken even before the Tribunal and the Tribunal ruled in favour of the petitioner. The same has been accepted by the State Transport Corporation, as well as the other pliers, who were admittedly parties before the Tribunal. In such circumstances, it is too late in the day for the State Transport Corporation to contend that the petitioner's application for variation is hit by Section 80(3) of the Act.



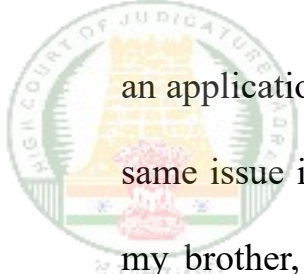
10.I have carefully considered the submissions advanced by the learned counsel on either side.

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11.The only question that survives, in view of the reliance placed on Section 80(3) of the Act, as well as Act 19 of 1996 having been found to be inapplicable to the facts on hand, is as to whether the petitioner is entitled to variation of his permit. The entitlement of the petitioner to variation under the applicable provisions of the Motor Vehicles Act is not disputed by the respondents. However, the respondents only relied on the observations of the Regional Transport Authority, which found favour with the Tribunal with regard to the causing of inconvenience to the general public, if the variation is granted to the petitioner.

12.The Hon'ble Supreme Court, in *Abdul Hai Khan's case*, held that when there is a notified scheme in force, permitting operation of stage carriage service by private operators on a nationalised route, there cannot be any monopoly of operation of the route and it is for the authority to consider the application of a private operator.

13.In *M/s.Easy Rides Transports' case*, this Court dealt with the provisions relating to an application for the variation and also discussed the impact of Section 80(3) and held that it is permissible for an operator defined under Section 3 of the Act to file



an application, seeking variation of the conditions of the permit. In fact, dealing with the same issue in *N.Natarajan's case*, I have also respectfully followed the ratio laid down by my brother, Hon'ble Justice V.Lakshminarayanan in *M/s.Easy Rides Transports' case* and held that the petitioner, who seeks for grant of singles within the existing permit is not disentitled from seeking variation. Once the petitioner is entitled to seek for variation, such application has to be considered objectively.

14.The only ground on which the request for variation has been rejected is that the general public would be inconvenienced, if the variation is granted by stating that public of Namakkal will loose early morning facilities to go to Karavalli and similarly, public of Karavalli will be deprived of bus facilities to go to Namakkal after 10 o' Clock, which has been hitherto enjoyed by them as per the existing permit conditions. The said findings of the Regional Transport Authority found favour with the Tribunal as well.

15.However, it is to be noted that there are several pliers operating in the said route including the State Transport Corporation. It is not as if the petitioner alone plies buses in the said route. Also, as held by the Hon'ble Supreme Court there cannot be any monopoly and in fact, it is always open to the authority to regulate timings and it is clearly falling within their domain. Rule 248 of the Tamil Nadu Motor Vehicles Rules, 1989 is usefully extracted hereunder:-



“248. Stage carriage — fixing Schedule of timing. — (1) The Transport Authority may, if no schedule of timings is already fixed or approved for a stage carriage or a service of a stage carriages on any route, either on its own motion or on an application made to it in writing, by a general or special order, fix and approve' a schedule of timings for the particular stage carriage or the service of stage carriages in consultation with the applicant and the persons providing transport facilities on the route or sectors thereof and while approving a schedule of timings, on an application made to it in writing, it may approve the scheme with such modification as it deem necessary. It shall not be necessary for the Transport Authority to send individual notice of the timings conference to the operators concerned and it shall be sufficient compliance of this provision, if the notice giving the existing and proposed schedule of timings and the time, date and place at which the subject will be discussed, is affixed on the notice board of the office of the Transport Authority and copies of the notice sent to the applicant and the concerned S.T.U. and bus owners Association of the district through which the route passes:

Provided that in the case of stage carriages of State Transport Undertakings tentative timings may be fixed by the Transport Authority without following the procedure laid down in the sub-rule in the case of introduction of the Stage Carriages on temporary permit.

Notwithstanding anything contained in sub-rule (1), the transport authority may, at any time either on its own motion or on an application made to it in writing, if satisfied of the expediency, revise or modify any schedule of timings already fixed or approved for any particular stage carriage or any service of stage carriages on any route or portion thereof, after following the procedure laid down in sub-rule (1).

Every application made to the Transport authority for fixation or revision of schedule of timing shall be accompanied by a fee as specified in the Table under rule 279:

Provided that when Transport Authority revise or modify any schedule of timing already fixed in respect of a stage carriage on its own motion consequent on fixation or revision of schedule of timings of



some other services of stage carriages, the permit holder need not pay any fee for such revision or modification.

(4) Nothing contained in sub-rules (1) to (3) shall apply to a passenger-cum-goods carriage. Amendments Sub-rule (4) inserted by SRO A-1 10/92 dated 20-7-1992.”

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In such circumstances, when it is always open to the Regional Transport Officer to regulate timings, the reasons for rejection of the variation are clearly unsustainable.

16.For all the above reasons, I am inclined to set aside the order of the Regional Transport Authority, as well as the Tribunal.

17.In fine, the Civil Revision Petition is allowed and the order of the State Transport Appellate Tribunal, Chennai made in M.V.Appeal No.31 of 2023 dated 04.01.2024, is set aside. It is however made clear that the petitioner, under the guise of the variation directed to be granted to him, shall not attempt to interfere with the timings of the State Transport Corporation buses or private operators in the same route. It is also open to the Regional Transport Officer to regulate the timings of the plying of the petitioner's bus, as permissible under Rule 248 of the Tamil Nadu Motor Vehicles Rules, 1989. No costs.

07.08.2026

Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To

The State Transport Appellate Tribunal, Chennai.

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P.B.BALAJI.J,

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Pre-delivery order made in
CRP.No.1966 of 2024

07.08.2026