



W.P. Nos.9825/2015, etc. Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
19.06.2026	13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. NOS.9825, 9826, 9356 & 10327 OF 2015

W.P. Nos.9825, 9826 & 10327/2015

M.Shanmugam

.. Petitioner in WP 9825/2015

1. N.Dhanasekaran (Decd.)

2. D.Jayanthi

.. Petitioner in WP 9826/2015

(Substituted as LR of deceased
P-1 vide order of court dated
26.11.2024 in WMP 1722/23)

P.Periyaswamy

.. Petitioner in WP 10327/2015

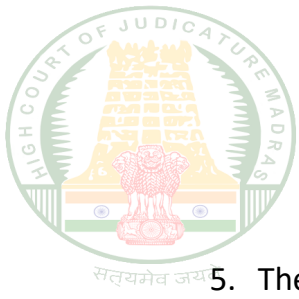
- Vs -

1. The Regional Transport Authority
Erode, Erode District.

2. State Transport Appellate Tribunal
High Court Buildings, Chennai 600 104.

3. The Superintendent of Police
Erode.

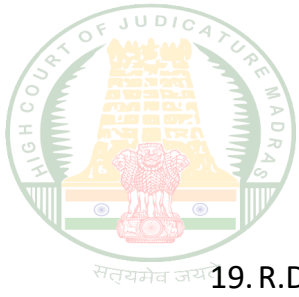
4. The Deputy Superintendent of Police (Traffic)
Erode Town.



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5. The Chairman
Erode Municipality, Erode.
6. The Commissioner
Erode Municipality, Erode.
7. The Divisional Engineer
(H.W. & R.W.), Erode.
8. The Inspector of Police
Erode.
9. The Secretary
Regional Transport Authority
Gobi.
10. The Secretary
Regional Transport Authority
Tiruchengode.
11. Tmt. K.A.Sivagami
12. Tvl. D.C.B.S. Ltd.
205, East Kongalamman Koil Street
Erode.
13. Tmt. Muthupillai
14. Tmt. C.Pongodi
15. S.Pandurangan
16. Tvl. K.A.S. Transports
KAS Nagar, Marapalam Road
Karungalpalayam, Erode – 3.
17. Tamil Nadu State Transport Corpn. Ltd.
(Division 2), Coimbatore.
18. S.S.Murugesan



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19. R.Duraisamy

20. P.K.N. Murthy

21. R.Palanisamy

22. R.Chandrasekaran

23. N.Periasamy

24. Tvl. Tholilar Transport Service
161 B, Mettur Road, Erode – 11.

25. Tmt. P.Vijayalakshmi

26. Tmt. S.Velumani

27. T.S.Kumar

28. S.Subramaniam

29. P.Vivekanandan

30. Tvl.Sri Ramajayam Transport
123, Agilmedu Street
Salt Colony, Erode – 1.

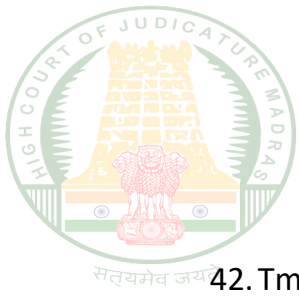
31. Tvl. Raja Transports
498, Perundurai Road, Erode.

32. P.Selvasundaram
33. Tmt. D.Padmavathy
34. K.Dhanabalan
35. P.Sathasivam
36. Tmt. P.Thagamani
37. E.N.Manokaran

38. Tvl.Nataraja Transports
143-A, Perundurai Road
Erode – 11.

39. Tvl.Jai Balaji Transports
99, Sathy Road, Erode – 3.

40. K.S.Senthilnathan
41. K.Mohanasundram



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42. Tmt. S.Jayalakshmi

43. P.Selvaraj

44. M.Mariappan

45. A.M.V.Jayaraman

46. S.M.Govindasamy

47. Thiru M.Shanmugam

(RR-3 to 47 are not necessary
parties & hence given up)

.. RR-1 to 47 in all petitions

48. N.Dhanasekaran

49. The President

District Bus Owners Association

Bus Mahal, Erode.

.. RR-48 & 49 in WP 10327/2015

W.P. No.9356/2015

Tmt. A.Rukmini

.. Petitioner

- Vs -

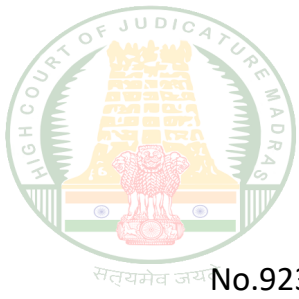
1. The Regional Transport Authority
Erode, Erode District.

2. State Transport Appellate Tribunal
High Court Buildings
Chennai 600 104.

3. S. M. Govindasamy

.. Respondents

W.P. Nos.9825 & 9826 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 2nd respondent made in appeal Nos.163 and 168 of 2007 dated 19.2.2015 confirming the order of the 1st respondent made under R.



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No.9231/A2/99 dated 14.9.2000 wherein he rejected the request of the petitioner for variation of permit conditions in respect of his stage carriage service operating on the route Bhavani to Surampattyvalasu and now operating on its trip from Surampattyvalasu towards Bhavani via P.S.Park, Nethaji Road, Ex Clock Tower, Sathi Road and Erode Bus Stand and quash the same and direct the 2nd respondent to grant the variation enabling the petitioner to operate his stage carriage service on the route Surampattyvalasu to Bhavani via P.S. Park, Ex Clock Tower, Sathi Road and Erode Bus Stand when it comes from Surampattyvalasu towards Bhavani.

W.P. No.9356 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 2nd respondent made in appeal No.5 of 2014 dated 19.2.2015 confirming the order of the 1st respondent made under R. No.26458/A2/13 dated 31.12.2013 in rejecting the request of the petitioner for variation of permit conditiErode P.S. Park to Kavundapadi and now for her return trip from P.S. Park to Erode Bus Stand operating via Nethaji Road, Ex Clock Tower and Sathi Road and quash the same and direct the 2nd respondent to grant the variation enabling the petitioner to operate her stage carriage service on the route Erode P.S. Park – Kavundapadi on return trip from P.S. Park – Erode Bus Stand via Nethaji Road, Ex Clock Tower and Sathi Road.

W.P. No.10327 of 2015 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records on the file of the 1st respondent dated 19.02.2015 made in A. No.36/2011 and quash the same.

For Petitioner : Mr. M.Palani in WP 9825, 9826
& 9356/2015



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Mr. Krishnappan, SC, for
Ms.R.Swarnalatha in WP
10327/2015

For Respondents : Mr. M.Sivavarthanan, GC for R-1
in 9825, 9826 & 9356/2015 &
for R-2 in WP 10327/2015
Mr. T.Mohan, SC, for
Mr.P.Kumaravel for R-46 in WP
9825, 9826 & 10327 and for R-3
in WP 9356/2015
RR-3 to R-45 & R-47 – Given up
in WP 9825, 9826 & 10327/2015

COMMON ORDER

The rejection of the request of the petitioners for variation of permit conditions in respect of stage carriage service by the 1st respondent, which has been confirmed by the 2nd respondent, is put in issue by filing the present writ petitions.

2. It is the case of the petitioners that it is a stage carriage operator in Erode Town and it was granted with a permit to operate in Erode Town on the route Surampattivalasu - Bhavani via Bus stand, Mettur Road, Government Hospital, Brough Road, P.S. Park and Fire service station. It is the further case of the petitioners that as the sector from Erode Bus stand to Government Hospital was made one way, as a consequence thereof, all the buses were diverted via

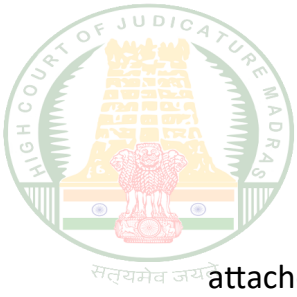


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Nachiappa Street, Savitha Hospital, Brough Road and P.S. Park. It is further averred that between Savitha Hospital and P.S. Park on the Brough Road sector, due to acute traffic, negotiating the vehicles on the stretch became a nightmare, as the said sector created traffic congestion due to hawkers occupying both sides of the road. Therefore, the private bus operators numbering around 41 who were operating town services in Erode town and Transport Corporation vehicles which were being operated to different destinations on this stretch, were unable to negotiate the traffic and at the same time adhere to the schedule of timings as fixed by the 1st respondent and, therefore, to circumvent the traffic and at the same time adhere to the schedule of timings, started to operate their vehicles during the return journey from P.S. Park to Bus stand via Nethaji Road, Ex clock tower and Sathi Road since 1996. The said portion, is shown in green colour in the route map E, G, F.

3. It is the further averment of the petitioners that one Govindasamy, claiming to be the Secretary of People Health and Development Council filed a representation before the 1st respondent alleging that the town bus operators in Erode town were operating from P.S. Park to Erode Bus stand via Nethaji Road, ex clock tower and Sathi Road, which is marked with "red colour, in the sketch,



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attached to the typed set, viz., D, K, I, G, instead of operating on the permitted route for return journey. Countering the said representation, the vehicle operators in Erode town, who were operating on the deviated route for their return journey, viz., from P.S. Park to Erode Bus stand via ex clock tower also filed representation explaining their difficulties in operating from P.S. Park to Bus stand via Brough Road for return journey and requested the authority to vary the permit conditions for return journey from P.S. Park to Erode Bus stand via ex clock tower and Sathi Road.

4. Since no action was taken on the respective representations, while the said Govindasamy filed a writ petition before this Court in W.P. No. 12016/1996, the operators filed writ petitions in W.P. No. 8952/1998, etc. This Court took up all the writ petitions together and disposed of the same directing the 1st respondent to constitute an expert committee to find ways and means to decongest the traffic in Erode and directed the authority to pass appropriate order in public interest upon receipt of the report. This Court further directed that till such time decision is taken based the Expert committee report, interim order was passed fixing the manner in which the operators will take them to and from journey, which was based on the suggestions of the Regional Transport



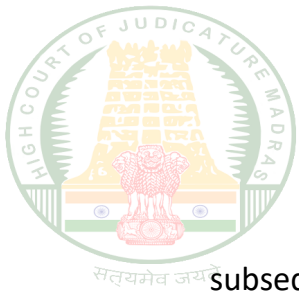
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Authority, the representatives of the vehicle operators as well as the Superintendent of Police keeping in mind the manner in which the traffic would be controlled. It is further averred that the in terms of the above order all the operators in Erode town including the petitioners were operating on the above route.

5. It is further averred that pursuant to the aforesaid order, the 1st respondent, based on the report submitted by the expert committee, while permitted 37 operators to operate on the deviated route from P.S. Park to Erode Bus stand via Ex clock tower, Nethaji road and Sathi Road, however, rejected the request of the 4 operators, who are the petitioners before this Court.

6. It is the further averment of the petitioners that writ petitions were filed in which while interim directions were passed to maintain status quo, later, this Court dismissed the writ petitions directing the petitioners to avail the alternative remedy and further directed the petitioners to file appeal before the 2nd respondent, while maintaining the order of status quo. Pursuant to the said order, the petitioners filed appeals before the 2nd respondent, which were,



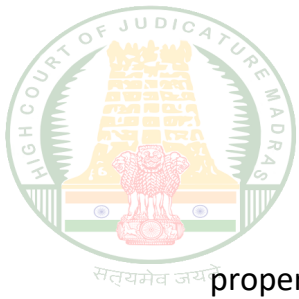
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subsequently, upon adjudication, dismissed, which has resulted in the filing of the present writ petitions.

7. Learned counsel appearing for the petitioners submitted that there is a gross violation in the order passed by the 1st respondent, which has not been properly considered by the 2nd respondent as there is an inequality perpetrated by the 1st respondent while considering and passing orders. It is the submission of the learned counsel that while out of 41 operators, case of 37 operators were favourably considered, without proper rhyme or reason, the 1st respondent has negated the request of the petitioners, which is wholly erroneous, improper and suffer from perversity.

8. It is the further submission of the learned counsel that when the representation filed by the original complainant, viz., Govindasamy, was dismissed as infructuous, the said dismissal of the representation of Govindasamy has no connection with regard to equality claimed by the petitioners, as the equality is claimed in terms with the 37 operators, who were granted permission to operate in a different route, while the case of the petitioners alone was not considered. However, this crucial matter was not



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properly adjudicated by the 2nd respondent while passing the impugned order and, therefore, the said order suffers from lack of proper reasoning and the same deserves interference.

9. It is the further submission of the learned counsel that the rejection of the representation of the said Govindasamy is in no way connected with the appeal of the petitioners, as the petitioners appeal is only claiming equality with the 37 operators, who have been granted permission to ply on the alternate route during the return journey and, therefore, the dismissal of the appeal of Govindasamy as infructuous would not in any way affect the case of the petitioners. However, without understanding this basic fact, the 2nd respondent has erroneously dismissed the appeal filed by the petitioners, which is perverse, arbitrary and unreasonable.

10. It is the submission of the learned counsel that the rejection of the representation of Govindasamy by the 1st respondent would not in any way be binding on the case of the petitioners as the petitioners were not party to the said order of dismissal and without considering this elementary principle, the 2nd respondent exceeded its jurisdiction to hold that the appeal filed by the



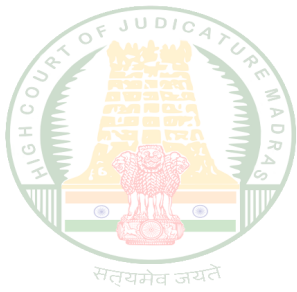
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petitioners have also become infructuous due to the rejection of the representation of the said Govindasamy.

11. It is the further submission of the learned counsel that the finding recorded by the 2nd respondent that if the variation as sought for by the petitioners are granted, the public would suffer at large and that had formed the basis for the 1st respondent to reject the request of the petitioners is grossly erroneous and reflects unsound reasoning and the said order is perverse, illegal and unreasonable.

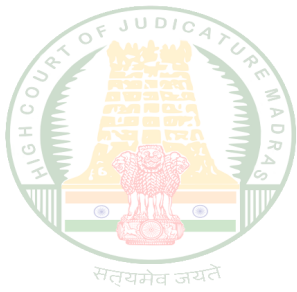
12. It is the further case of the petitioners that after order of status quo passed by this Court earlier, these petitioners had been operating in the alternate route for more than 19 years and such being the case, when no service was available on the existing route, no grievance was espoused with regard to suffering endured by the general public and the petitioners having been allowed to operate in the modified route for a long time, rejecting their claim for modification while allowing other similarly placed persons for modification is highly unequal and perpetuates illegality and vitiated mindset of the 1st respondent.



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13. It is the further submission of the learned counsel that if the route is changed as per the orders of the 2nd respondent, that too after the petitioners operating for more than 19 years on the modified route on the basis of the order of status quo passed by this court, they will be put to irreparable loss and hardship and enormous prejudice would be caused to them at this point of time, which aspect has not been taken into consideration while passing the impugned order.

14. In fine, it is the submission of the learned counsel that the long duration in which the petitioners have been operating the carriage service on the modified route coupled with the fact that 37 other service providers have been permitted to operate on the modified route, clearly show that the petitioners are also entitled to operate in the modified route as otherwise it would be an infraction of equality meted out to the petitioners and, accordingly, pray for setting the impugned order and continuing the status quo granted to the petitioners in the earlier round of litigations.



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15. In support of the aforesaid submissions, learned counsel for the petitioners placed reliance on the following decisions :-

- i) *M.Chinnaswamy – Vs – M/s.Dhandayuthapani Roadways (P) Ltd.(1977 (2) SCC 629);*
- ii) *TNSTC (Kumbakonam) Ltd. – Vs – State Transport Appellate Tribunal & Ors. (W.P. No.3437/2010 – Dated 16.02.2026);*
- iii) *N.Natarajan & Anr. – Vs – The Regional Transport Authority & Ors. (CRP Nos. 150 & 151/2022 – Dated 6.2.2026);*
- iv) *M/s.Easy Ride Transports – Vs – The Regional Transport Authority, Tiruppur & Ors. (CRP (NPD) No.3134/2023 – Dated 10.09.2024)and*
- v) *K.Vaiapuri – Vs – The Regional Transport Authority, Namakkal District & Anr. (2012 (5) CTC 729)*

16. Per contra, learned counsel appearing for the respondents submitted that the authority had considered the representations of the petitioners and had passed the order by holding that the proposed diversion is only in respect of vehicles plying between Erode Bus Stand to P.S. Park via Sathy Road, Masjid Street, Nethaji Road and Ex-Clock Tower and the said deviation was given only with a view to ease the traffic congestion on the earlier stretch to which permit was given. However, in the case of the petitioners, the route in which the



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petitioners were originally permitted was different and, therefore, the petitioners cannot compare themselves to that of the other persons to whom diversion was permitted.

17. It is the further submission of the learned counsel that the petitioners were plying their vehicle on the diverted route only on account of the interim orders granted by this Court and not otherwise and, therefore, now coming before this Court and claiming that they have been plying for more than 19 years on the same route and that they be permitted to ply in the very same route cannot be considered.

18. It is the further submission of the learned counsel that if the diversion as sought for is granted to the petitioners, the route in which they are to ply would not left without any transportation facility and the public in the said place would greatly be prejudiced and put to sufferings and even now, the people in the locality are suffering due to meagre transportation in the said route and, therefore, granting the modification sought for would be against the interest of the public. All these factors were taken into consideration while passing the impugned order, which is clear, cogent and reasonable and, therefore, it is



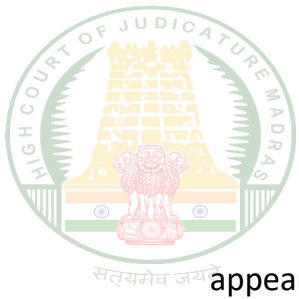
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Court.

prayed that the same does not warrant any interference at the hands of this Court.

19. Learned senior counsel appearing for the other service providers, who are arrayed as respondents submitted that the plying of the service in the diverted route by the petitioners is against the permit conditions and the said service is illegal and only on account of the interim orders of this Court, they have been plying the vehicle and any further continuance will only perpetuate the illegality. Further it is submitted that the diverted route is already congested and if the petitioners ply in the route to which they were granted permit, the volume of traffic would be greatly reduced and there is no congestion in the said route and, therefore, the plea of the petitioners citing traffic congestion is wholly erroneous.

20. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record. Though the petitioners had given up certain individual respondents in the writ petitions, who were service providers, however, considering the fact that they were represented, the learned senior counsel



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appearing on behalf of them was also heard, however, the merits of the issue would be considered vis-a-vis the petitioners and the official respondents more particularly with reference to the impugned order passed by the Tribunal.

21. There is no quarrel with the fact that the petitioners and 37 others were granted permits for a particular route, but due to alleged traffic congestion, the return route was modified by the service carriage providers themselves, which has resulted in continuous litigation both before this Court as well as various representations before the authorities and also appeal before the Tribunal. The first of the said sequence in the litigation started through a representation of one Govindasamy, which ultimately stood settled in the appeal by the Tribunal. Based on the said orders and considering the contentions advanced, the Tribunal had negative the request of the petitioners, which is assailed herein.

22. The two grounds canvassed by the petitioners before this Court for overturning the decision of the Tribunal is with reference to the length of the period in which the petitioners have been plying in the modified route, which, if disturbed, will cause grave prejudice to the petitioners and the other ground is



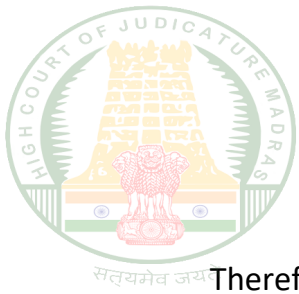
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on the issue of equality between the petitioners and the 37 other service carriage providers, who were permitted to ply on the modified route.

23. There is no quarrel with the fact that the petitioners have been plying on the modified route than the one for which permit was issued to them. It is alleged that not only the petitioners, but 37 other service providers were plying on the modified route inspite of the fact that permit was granted to all of them for another route. However, in respect of the 37 service providers, the deviation was permitted by the 1st respondent pointing out that the route of the petitioners and the 37 other service providers were different, which is disputed by the petitioners and according to the petitioners, the said act of the 1st respondent is nothing but an act of perpetrating inequality between two equals.

24. However, according to the 1st respondent, the route for which the petitioners were granted permit was for route No.5, which is between Bus Stand to P.S. Park and from P.S. Park to Bus Stand via Brough road only, while the other 37 service providers were given permit for plying between Erode Bus Stand and P.S. Park via Sathi Road, Masjid Street, Nethaji Road and Ex-Clock Tower.



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Therefore, according to the 1st respondent, the petitioners are not equally placed as that of the other 37 service providers.

25. The ground canvassed by the petitioners, by placing them similar to the other 37 service providers for seeking deviation is the congestion in the area for which they have been granted permit. It is to be noted that the permit was granted almost two decades back and the petitioners, for almost 19 years, have been operating their service in the deviated route. However, it is to be noted that such plying is on account of the status quo orders passed by this Court. The deviated route was one designed by the petitioners themselves and not on the basis of any permission granted by the appropriate authority. Therefore, for all purposes, the deviated route in which the petitioners are plying the vehicle is one without permit, but for the order of status quo granted by this Court.

26. Be that as it may. The traffic congestion in the area goes back almost two and half decades. The entire city of Erode is bunched with traffic and it is not as if the said area alone is congested while the service operated in the deviated route is not without traffic. The order of rejection of the petitioners request had come to be passed only after the report submitted by the Advocate



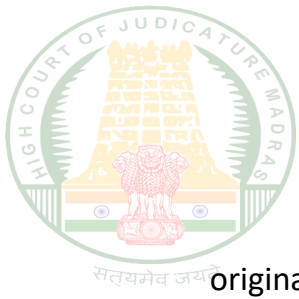
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Commissioner, which is based on the directions of this Court. The petitioners have not questioned the report. Based on the report, this Court had directed the 1st respondent to take action, which has been acted upon by the 1st respondent.

27. In this scenario, it is to be pointed out that all the cities in the State of Tamil Nadu are swarmed with a sea of traffic and it is not as if one place is better than the other. The growth of personal vehicles coupled with the developmental activities, had pushed the congestion further, which is the order of the day and for a better tomorrow, all the citizens are forced to accommodate themselves to the developmental activities. It is not as if the petitioners alone are plying the service in the congested area. The congested area is even being passed daily by the general public and there would be swarms of general public who would be looking for transportation out of the area and their plight also requires to be considered while considering the case of the petitioners, which is purely self-interested.

28. It is the case of the petitioners that they would be put to great prejudice and hardship if the deviation is not permitted. Though such a contention is canvassed, it is to be pointed out that if the continuance of the

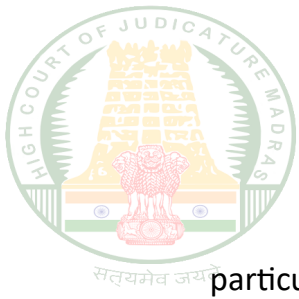


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original route is not restored, then the public residing in the locality for which permits were granted by the 1st respondent to the petitioners would be gravely prejudiced and would be made to suffer with no or very minimal transportation. Permits are issued for private service carriage operators only considering the interest of the public, who would otherwise be put to great hardship if proper transportation is not made available. It is not the case of the petitioners, through substantive materials, that there are transportation service through the original route and that no prejudice is caused to the public in the locality.

29. When transport permits are granted by the 1st respondent, not only the interests of the service providers is kept in mind, but the public, who are the end users, their interests are of paramount consideration which has also to be kept in mind and only for the benefit of the general public, the said service is provided by providing permit for plying the transport vehicles. However, if the public are robbed of the transportation available to them, they would be put to great sufferance and the interests of the public would be greatly jeopardized.

30. Though length of time in plying the vehicle on a route is has some semblance of consideration, however, the length of plying the vehicle on the



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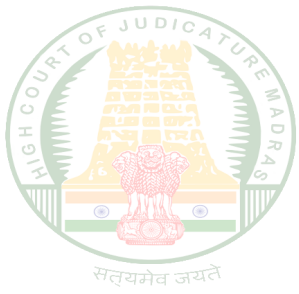
particular route alone would not be the determining factor to consider the case of the petitioners as the continuance of plying was on the basis of the orders of status quo and only to off-set the prejudice, if any, that would have been caused, at the relevant point of time, order of status quo is normally granted by this court and in this case as well, status quo was granted only on that basis. The mere fact that an order of status quo was granted, which was allowed to continue on account of the continuing litigation in one form or the other and by one party or the other and the continuance of operation in the diverted route on account of the status quo cannot be a ground to permit the petitioners to continue their operation as such an action would rob the public of the original route and the transportation to which they were otherwise entitled. When the interests of the public is weighed against the interests of the individual, necessarily public interest would prevail over private interests and in that background, the order passed by the 1st respondent rejecting the representation of the petitioners, which has since been confirmed by the 2nd respondent cannot be found fault with.

31. Coming to the issue of equality claimed by the petitioners with the other 37 service providers, as already pointed out above, it is the specific case of



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the 1st respondent that the area of operation of the 37 service providers is different from that of the petitioners and only considering the said aspect, the representation of the petitioners were rejected. It is not the claim of the petitioners that the permit granted to the petitioners and the other 37 service providers were for one and the same route. Equality could be claimed by the petitioners only when they are identically placed in all respects with the other 37 service providers. When the route of the petitioners differ from the route of the other 37 service providers, as claimed by the 1st respondent, the mere fact that the other 37 service providers have been granted deviation from the original route will not be a ground for the petitioners to claim deviation on par with the other 37 service providers. There is no iota of material placed by the petitioners to claim such equality and also for this Court to infer that there is infraction of equality. Equality would only arise when both the categories of persons are equally placed in all aspects. However, in the present case, it is disputed by the 1st respondent that the 37 service providers and the petitioners are not equally placed and such a backdrop, this Court cannot pass any orders so as to enable the petitioners to claim similar treatment as meted out to the 37 service providers.



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32. Though certain decisions have been relied on by the petitioners to claim that their case for deviation should be considered favourably by this Court, yet it is to be pointed out that the said decisions would not have any application to the facts of the present case, as those cases stand on a wholly different footing, and they are not relatable to the facts as presented in the present case. Further, there is no infraction of any of the provisions of law relating to grant of permit or grant of deviation in the exercise of power by the 1st respondent or the jurisdiction of the authorities. Such being the case, the said decisions would not in any way help the petitioner to advance its case any further.

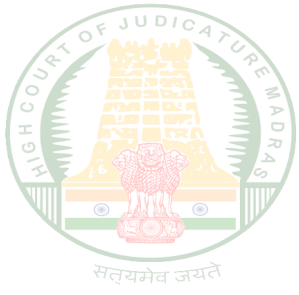
33. On a holistic consideration of the entire materials placed, this Court is of the considered view that the petitioners have not established any right, let alone any infraction, which would be taken advantage of by the petitioners to decide the petitions in their favour and finding no materials in support thereof, these writ petitions fail and, accordingly, the same are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

13.07.2026

Index : Yes / No

GLN

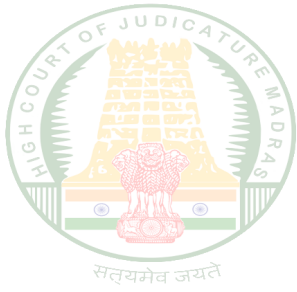
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W.P. Nos.9825/2015, etc. Batch

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1. The Regional Transport Authority
Erode, Erode District.
2. The Presiding Officer
State Transport Appellate Tribunal
High Court Buildings
Chennai 600 104.



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W.P. Nos.9825/2015, etc. Batch

M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NOS.9825 OF 2015, ETC.**

**Pronounced on
13.07.2026**