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CRP No. 2161, 2162 and 2164 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

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

**CRP No. 2161, 2162, and 2164 of 2023 and
CMP Nos.13160 13162, and 13168 of 2023**

G. Venugopal, S/o. Govindasamy,

..Petitioner(s) in
CRP No.2161 of 2023

P.Sounthiram, w/o R.Palanisamy

... Petitioner(s) in
CRP No.2162 of 2023

R.Palaisamy, S/o Rasappan

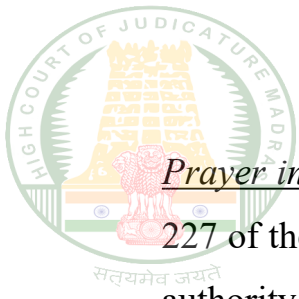
... Petitioner(s) in
CRP No.2164 of 2023

Vs

1. The Regional Transport Authority
Erode District, Erode.
2. The Secretary
Regional Transport Authority,
Erode (East), Erode.
3. P. Kumar
No.4/3, Thilagar Street, 1, Varadarajapuram,
Coimbatore.

..Respondent(s) in
all three civil revision
petitions

Prayer in CRP No.2161 of 2023: Civil Revision Petition is filed under Section 227 of the Constitution of India to set aside the direction given by the revisional authority in R.P.No.4 of 2022 dated 8.3.2023 directing the petitioner to comply with the bus body code made in AIS-052(Rev.I) said to have been issued pursuant to the Rule made in G.S.R.No.895(E) dated 20.09.2016.



Prayer in CRP No.2162 of 2023: Civil Revision Petition is filed under Section 227 of the Constitution of India to set aside the direction given by the revisional authority in R.P.No.3 of 2022 dated 8.3.2023 directing the petitioner to comply with the bus body code made in AIS-052(Rev.I) said to have been issued pursuant to the Rule made in G.S.R.No.895(E) dated 20.09.2016.

Prayer in CRP No.2164 of 2023: Civil Revision Petition is filed under Section 227 of the Constitution of India to set aside the direction given by the revisional authority in R.P.No.2 of 2022 dated 8.3.2023 directing the petitioner to comply with the bus body code made in AIS-052(Rev.I) said to have been issued pursuant to the Rule made in G.S.R.No.895(E) dated 20.09.2016.

In all civil revision petitions.

For Petitioner(s): Mr. M.Palani

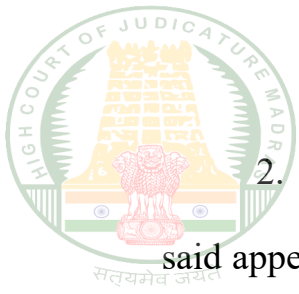
For Respondent(s): Mrs.S.Yogalakshmi,
Government Counsel for R1 and R2

Mr.A.Saravanan for

for Ms. G.Pavithra For R3

COMMON ORDER

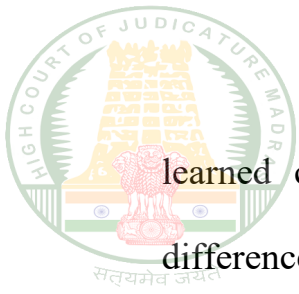
Challenging the common order passed by the revisional authority in R.P.Nos.2, 3 and 4 of 2022 dated 8.3.2023, directing the petitioners to comply with the Bus Body Code made in AIS-052(Rev.I), said to have been issued pursuant to the Rule made in G.S.R.No.895(E) dated 20.09.2016, these civil revision petitions have been filed.



2. The petitioners in all three civil revision petitions, have filed the above said appeals, under Section 90 of the Motor Vehicles Act, 1988 before the State Transport/appellate Tribunal, challenging the order passed by the Regional Transport Authority, Erode District, dated 10.10.2022, directing the petitioners not to collect express service fare, unless or until such facilities are made available in their buses. The appellate authority, while confirming the direction of the Regional Transport Authority, has directed the petitioners to alter their vehicles in question, as per the norms. Challenging the orders passed by the appellate authority, the petitioners have come before this by filing the present civil revision petitions.

3. Heard Mr.M.Palani, learned counsel appearing for the petitioners, Mrs.S.Yogalakshmi, learned Government counsel appearing for the respondents 1 and 2 and Mr.A.Saravanan, learned counsel appearing for the 3rd respondent/ complainant.

4. The learned counsel for the petitioners states that the petitioners in all the civil revision petitions are lawful permit holders entitled to run their buses from Erode to Palani, which is an approximate distance of 115 kilo meters. According to the petitioners, they were in compliance of the existing rules in terms of the then Motor Vehicles Act 1939. Therefore, the petitioners were given permits for running their buses under the category 'Express Service'. The



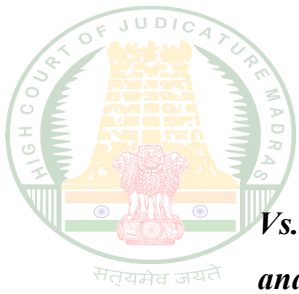
learned counsel for the petitioners would further contend that there is a difference in the fare between 'Ordinary Service' and 'Express Service' and 0.59 paise per k.m. being the fare applicable for ordinary service and 0.75 paise per k.m. for express service. According to him, all the bus operators in the business are continuing with their existing permits and the vehicles, without bringing their buses in tune with the subsequent requirements, as required under the new Motor Vehicles Act and the Rules framed thereunder.

5. It is the case of the petitioners that one passenger, namely Mr.P.Kumar/ third respondent herein, made a complaint to the Transport Commissioner, complaining that the petitioners are operating buses between Erode and Palani, without complying with the present Rules and that the buses are in violation of Bus Body Rules 2008. The learned counsel for the petitioners would state that despite the fact that the buses have not been modified or upgraded to fall in line with the present rules, permits have been periodically extended and fitness certificates were also issued to the petitioners in all three civil revision petitions, without any demur or protest or even any requirements that the petitioners have to comply with the Bus Body Rules of 2018 and fall in line with the statutory requirements under the Tamil Nadu Motor Vehicles Act 1988, and Motor Vehicles Rules 1989.



6. The learned counsel for the petitioners, further states that the petitioners have made sincere bonafide attempts to comply with the present rules and they have also approached M/s Maruthi Coach Builders Private Limited for designing the bus body, in compliance with the existing and prevailing rules. According to the learned counsel for the petitioners, the opinion of the coach builder indicates that, if the requirements prescribed under the present rules are complied with, then the width of the gangway would be only 250 millimeters, which would still fall short of the prescribed minimum requirements of 300 millimetres. Therefore, he states that the petitioners are not wanting to flout the law, but they are placed in a situation, where they are unable to comply and bring their buses in line with the prevailing rules.

7. Mrs.S. Yogalakshmi, learned Government Advocate appearing for the respondents 1 and 2 would states that it is a classic case, where the petitioners are trying to have the cake and also to eat. The petitioners, despite being conscious of the fact that their buses do not comply with the present rules, or, charging their customers at the express route rates of 0.75 paise /k.m, which is arbitrary and also unfair. She would therefore state that the petitioners have no choice, except to fall in line. The learned Government Advocate has also relied on the following two recent decisions of the Hon'ble Kerala High Court and Allahabad High Court.



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i) W.P (C) No.36460 of 2025, dated 05.02.2026, in Sajeesh Kumar Vs. the Regional transport Authority, Palakkad, represented by its Secretary and others (Kerala High Court)

ii) Writ Appeal No.7774 of 2020, dated 24.02.2021 in Preeti Dubey and 6 others Vs. Union of India, through its Secretary of Surface Road Transport. (Allahabad High Court)

8. In the above said decisions, the Allahabad High Court held that the prescription of standards relating to testing and approval for body building as prescribed under Rule 125-C and the other provisions referred to above, relate to safety standards and are of a mandatory nature with no exception or deviation in respect thereof being contemplated.

9. The Kerala High Court held that conditions attached to permits to ensure that vehicles used for public transport conform to current statutory standards are therefore reasonable and cannot be set aside merely because they place additional obligations on permit holders.

10. Referring to the said decisions, the learned Government Advocate appearing for the respondents 1 and 2 would state that the petitioners cannot be aggrieved by the order of the appellate authority, even though they may have a grievance that the original authority allowed its subordinate to conduct enquiry, when, thereafter, revisional authority had independently considered all factors



and passed an order, after hearing the petitioners.

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11. Mr.A.Saravanan, learned counsel for the third respondent would reiterate the submissions made by the learned Government Counsel, appearing for the respondents 1 and 2 and he also states that the petitioners themselves had admitted that they would fall in line with the prevailing rules, by filing a memo, which was also taken note of by the revisional authority. He would therefore submit that having virtually submitted to an order to comply with the present rules, it is not open to the petitioners now to go back on the said undertaking and challenge the order of the revisional authority.

12. I have carefully considered the submissions made by the learned counsel on either side.

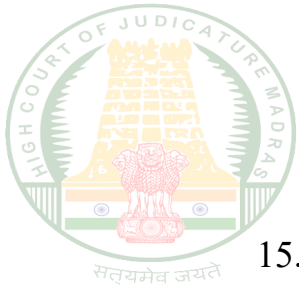
13. It is a peculiar case where, the petitioners' permits have been periodically renewed, without the petitioners' buses, complying with the Bus Body Code and Rules or the statutory requirements, in terms of the Tamil Nadu Motor Vehicles Act as well as the relevant Rules. Admittedly, the permits of the petitioners in all three revision petitions have been periodically renewed every five years and the buses have been issued fitness certificates every year, after collecting necessary charges. At no point of time, the respondents 1 and 2 have objected to the buses not being in compliance with the Bus Body Code and



therefore, even though this might be an irregularity, it has gone unnoticed by the authorities. However, as rightly pointed out by the learned counsel for the respondents, the petitioners were conscious of the fact that they cannot flout the mandate of the Bus Body Code and the statutory requirements of the Tamil Nadu Motor Vehicles Rules 1989. In fact, they have already consciously undertaken before the revisional authority that they would make necessary compliances to fall in line with the prevailing rules and regulations. In such circumstances, I do not find any merit in this civil revision petitions.

14. However, considering the fact that the respondents 1 and 2 have been periodically renewing and issuing permits to the petitioners under the 'express service category' and also considering the fact that the petitioners are also willing to fall in line and have taken bona fide steps to make necessary changes and build new buses in compliance with the prevailing rules, I am inclined to dismiss the civil revision petitions with the following directions:-

- i) The petitioners shall be allowed to continue to run their buses under their permits for express service category until 31.03.2027.
- ii) On and after 01.04.2027, the petitioners shall not be permitted to run their buses on Erode to Palani route under 'express service category', unless and until their buses are fully compliant with the Bus Body Code 2008.



15. With the above direction, CRP No.2161, 2162 and 2164 of 2023 are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

16-07-2026

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

To

The State Transport Appellate Tribunal,
Chennai 600 104.



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P.B.BALAJI, J.

MST

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