

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6020 of 2010 and
M.P.Nos.1 to 3 of 2010

V.Subramanian

... Petitioner

Vs

1 The Regional Transport Authority,
Tiruppur Region at Coimbatore and
now the Regional Transport
Authority, Tiruppur, Tiruppur District.

2. The State Transport Appellate Tribunal,
City Civil Court Buildings,
Chennai-600 104.

3. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Coimbatore-47.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus calling for the records of the second respondent made in Appeal No.259/2006 dated 31.3.2009 setting aside the order of the first respondent made in R.No.77420/A3/2005 dated 18/1/2006 and to quash the same and further direct the first respondent to consider the request of the petitioner for renewal of permit in respect of vehicle No. TN-39/T-4714 for the mini bus route: Palladam Bus Stand to Arivozhi Nagar Church.

For Petitioner :Mr.N.Gopalakrishnan

For R1 :Mr.M.S.Ramesh AGP

For R3 :Mr. S.Sairaman

ORDER

The petitioner was granted mini bus permit issued in respect of vehicle TN 39/T 4714 to ply on the route Palladam Bus Stand to Arivozhi Nagar Church and it was valid upto 18.09.2005. Thereafter, the petitioner filed an application for renewal of permit for a further period of five years. But the Regional Transport Authority rejected the above said

renewal application by proceedings dated 18.1.2006. Challenging the rejection of renewal, the petitioner filed an appeal under Section 89(1)(e) of the Motor Vehicles Act, 1988 in M.V.APPL.No. 259/2006 before the State Transport Appellate Tribunal. After hearing the parties, the Tribunal by order dated 31.3.2009 remanded the matter back to the Regional Transport Authority for passing appropriate orders afresh after affording due opportunity to the petitioner. Aggrieved against the order passed by the Tribunal, the petitioner is before this Court by way of a writ petition.

2. Heard the submissions of learned counsel for the petitioner and Mr. M.S.Ramesh, Additional Government Pleader appearing on behalf of first respondent and Mr.S.Sairaman, learned counsel appearing on behalf of third respondent.

3. The learned counsel appearing for the petitioner submits that the prayer against the order dated 31.3.2009 is not pressed and it would suffice if a direction is issued to the Regional Transport Authority to pass appropriate orders in the light of the order of the Tribunal dated 31.3.2009. He has also brought to the notice of this Court that as a subsequent development, the Government introduced G.O.Ms.136, Home (Transport-III) Department, dated 23.2.2011 by which the Government considered approval of modified scheme and renewed permits. The learned counsel wanted to place all these facts before the Authority for consideration. The respondents have no objection for the same.

4. In view of the above, the writ petition is disposed of remanding the matter back to the Regional Transport Authority for passing appropriate orders in the light of the orders passed by the Appellate Tribunal by order dated 31.03.2009 as well as G.O.Ms.136, Home (Transport-III) Department, dated 23.2.2011 after affording due opportunity to the petitioner as well as the third respondent herein on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1 The Regional Transport Authority,
Tiruppur Region at Coimbatore and
now the Regional Transport
Authority, Tiruppur, Tiruppur District.

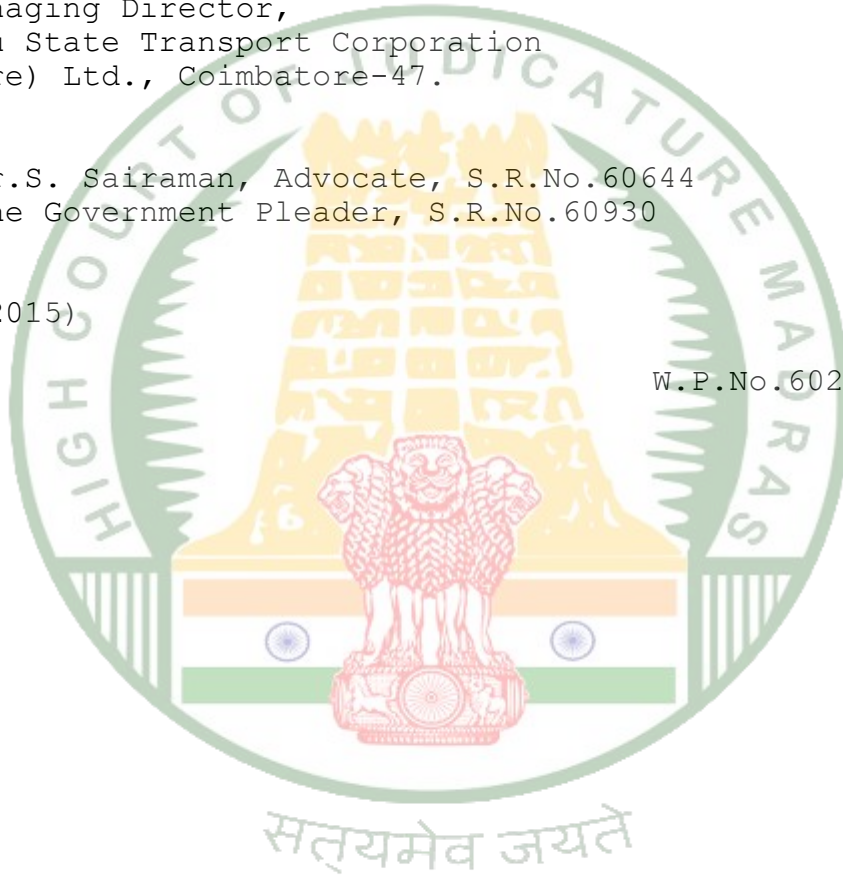
2. The State Transport Appellate Tribunal,
City Civil Court Buildings,
Chennai-600 104.

3. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Coimbatore-47.

+1cc to Mr.S. Sairaman, Advocate, S.R.No.60644
+1cc to the Government Pleader, S.R.No.60930

AR(CO)
EU(20/11/2015)

W.P.No.6020 of 2010



WEB COPY