

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14977 of 2014

And

M.P.Nos.1 and 2 of 2014

M.S.Krishnaswamy

... Petitioner

Vs.

The State Transport Authority, Chennai
Ezhilagam
Chepauk
Chennai 600 005.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent herein made under proceeding No.R.40210/ E3/2012 dated 12.8.2013 in rejecting the application filed by the petitioner for grant of temporary permit for the portion lying in Tamil Nadu in respect of the petitioner vehicle bearing Regn. No.AP-03-V-2275 and quash the same and direct the respondent herein to grant temporary permit in respect of the above vehicle for the portion lying in Tamil Nadu from Thadukupet to Arakonam on payment of tax due to Tamil Nadu.

For Petitioner : Mr.M.Palani

For Respondent : Mr.M.S.Ramesh
Additional Government Pleader

सत्यमेव जयते
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

2.The petitioner has filed this writ petition seeking issuance of Certiorarified Mandamus calling for the records of the respondent herein made under proceeding No.R.40210/ E3/2012 dated 12.8.2013 in rejecting the application filed by the petitioner for grant of temporary permit for the portion lying in Tamil Nadu in respect of the petitioner vehicle bearing Regn. No.AP-03-V-2275 and quash the same and direct the respondent herein to grant temporary permit in respect of the above vehicle for the portion lying in Tamil Nadu from Thadukupet to Arakonam on payment of tax due to Tamil Nadu.

3.The petitioner is a stage carriage operator in the State of Andhra Pradesh namely in Puthur operating on the inter State route, Tirupathi - Arakonam via Renikuda, Puthur, Nagari, Thadukupet and Thiruthani. This route was included in the inter state agreement arrived at in between Governments of Tamil Nadu and Andhra Pradesh and the petitioner's route was in the agreement dated 30.06.1975 and according to the said agreement, the petitioner is entitled to operate two singles on the entire route.

4.The petitioner is also operating two singles and since it was not economically viable for him, unlike any other case, the petitioner submitted application for grant of permit for two more additional singles on 11.07.2012 and the said application was rejected on 19.08.2013. Stating the relief granted by the Hon'ble Division Bench of this Court in the case of Union of India Vs.S.Subramani and others reported in (2013) T MLJ 524, the petitioner claimed the same relief by submitting representation dated 22.11.2013 along with enclosures and since no appropriate orders have been passed, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner would submit that the matter has already been considered by the Hon'ble Division Bench of this Court in Writ Appeal No.2381 of 2001 dated 07.08.2014 and prays for similar orders.

6.The learned Additional Government Pleader on instructions would submit that no such application has been received by the respondent and if any application made afresh, the same would be considered in the light of the orders of the Division Bench, if found eligible.

7.To give quietus to the issue, since the matter is already considered by the Hon'ble Division Bench of this Court in Writ Appeal No.2381 of 2001 dated 07.08.2014, the petitioner is directed to submit the said application dated 22.11.2013 along with enclosures and a copy of the order passed on 07.08.2014 by the Hon'ble Division Bench in Writ Appeal No.2381 of 2001 along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order and on such representation, the respondent shall consider the same in the light of the orders passed in Writ Appeal No.2381 of 2001 dated 07.08.2014 for the purpose of grant of two more additional singles and pass appropriate orders within a period of four weeks thereafter.

8.This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar (CO)

/true copy/

pri

Sub Asst. Registrar

To

The State Transport Authority, Chennai
Ezhilagam
Chepauk
Chennai 600 005.

+1 cc to M/s.M.Palani, Advocate, sr.46375
+1 cc to The Government Pleader, sr.46845

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