

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2015

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.22298 of 2015

J.Fazil Javith

[ Petitioner

Vs

The Regional Transport Authority  
Krishnagiri

[Respondent]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent herein to consider and pass orders on the petitioners Application dated 28/5/2015 for the grant of temporary permit filed under Section 104 provision of the Motor Vehicles Act, 1988 in respect of the route Kaveripattinam to Athipalli State Border forthwith and thus render justice.

For petitioner : Mr.K.Hariharan

For respondent : Mr.A.Kumar, SGP

O R D E R

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader who took notice for the respondent and with their consent, the main writ petition itself is taken up for disposal.

2. This writ petition has been filed by J.Fazil Javith, seeking a writ of mandamus to direct the respondent herein to consider and pass orders on his Application dated 28/5/2015 for grant of temporary permit filed under Section 104 of the Motor Vehicles Act, 1988 (hereinafter referred to as the Act), in respect of the route Kaveripattinam to Athipalli State Border forthwith.

3. According to the learned counsel for the petitioner, the grievance of the petitioner is that he has applied for a temporary permit before the respondent on 28.05.2015 for the route "Kaveripattinam to Athipalli State Border" and his application was also received by the respondent, however, the same was not considered. It is the contention of the learned counsel for the petitioner that one G.Sarojini of Krishnagiri, who was operating a bus MDS-6463 in the above said route stopped the same in the year 1980 because of financial crisis, later on, the State Transport

Corporation also did not choose to file any application for pacca permit for the above said route, therefore, when the route is lying vacant, the petitioner's application seeking temporary permit under Section 104 of the Act, should have been considered. As there was no reply, the petitioner sent a reminder on 01.07.2015 to the respondent, even after receipt of both the application as well as the reminder, since there was no response, the petitioner is before this Court.

4. That apart, according to the learned counsel for the petitioner, as per Section 80(1) of the Act, application for any kind of permit can be made at any time and the transport authority has got a statutory duty to consider the same and pass orders. Apart from that, as per Rule 136 of the Tamil Nadu Motor Vehicles Rules 1989, the transport authority has to conduct public hearing every month to consider and pass orders on the pending application for grant of permit. However, all these facts have been completely not taken care of by the respondent. Therefore, the mandamus sought for by the petitioner has to be granted.

5. This Court, considering the pending application filed by the petitioner dated 28.05.2015, in the light of Section 80(1) of the Act, cited supra, directs the respondent to consider the application of the petitioner dated 28.05.2015 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs.

Sd/-  
Asst.Registrar (CS IV )

/true copy/

सत्यमेव जयते  
Sub Asst. Registrar

rg  
To  
The Regional Transport Authority,  
Krishnagiri.

+1 cc to Mr.K.Hariharan, Advocate, sr.37898  
+1 cc to Government Pleader, sr.38069.

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kji(co)  
kra(19/08)