

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition
Nos.2478 to 2480 and 12214 of 2004

W.P.No.2478 of 2004

1.K.Kesavakrishnan [Since deceased]
2.K.Manjunath *

[* 2nd respondent has been submitted in the place of the deceased sole petitioner vide order dated 20.01.2011 made in W.P.M.P.No.824 of 2010]

... Petitioner

-Versus-

- 1.The State Transport Authority,
Chepauk,
Chennai 600 005.
- 2.The Assistant Secretary,
State Transport Authority cum
Regional Transport Officer,
Cuddalore.
- 3.The State Transport Appellate Tribunal,
High Court Compound,
Chennai 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the entire records of the 3rd respondent relating to order dated 09.01.2014 made in R.P.No.36 of 2003 confirming the order of the 1st respondent made in R.No.E2/69852/2000 dated 23.10.2003 and to quash the same.

W.P.No.2479 of 2004

1.K.Kesavakrishnan [Since deceased]
2.K.Manjunath *

[* 2nd respondent has been submitted in the place of the deceased sole petitioner vide order dated 20.01.2011 made in W.P.M.P.No.825 of 2010]

... Petitioner

-Versus-

- 1.The State Transport Authority,
Chepauk,
Chennai 600 005.
- 2.The Assistant Secretary,
State Transport Authority cum
Regional Transport Officer,
Cuddalore.
- 3.The State Transport Appellate Tribunal,
High Court Compound,
Chennai 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Certiorarified Mandamus calling for the entire records of the 3rd respondent relating Appeal No.1184 of 2003 and order dated 09.01.2014 made in R.P.No.36 of 2003 confirming the order of the 1st respondent made in R.No.60781/E1/2003 dated 16.10.2003 and to quash the same.

W.P.No.2480 of 2004

- 1.K.Kesavakrishnan [Since deceased]
- 2.K.Manjunath *

[* 2nd respondent has been submitted in the place of the deceased sole petitioner vide order dated 20.01.2011 made in W.P.M.P.No.826 of 2010]

... Petitioner

-Versus-

- 1.The State Transport Authority,
Chepauk,
Chennai 600 005.
- 2.The Assistant Secretary,
State Transport Authority cum
Regional Transport Officer,
Cuddalore.
- 3.The State Transport Appellate Tribunal,
High Court Compound,
Chennai 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Certiorarified Mandamus calling for the entire records of the 3rd respondent relating Appeal No.844 of 2002 and to quash the order dated 09.01.2014 passed thereon confirming the order of the 1st respondent in R.No.93288/E2/2001 dated 27.06.2002.

W.P.No.12214 of 2004

1.K.Kesavakrishnan [Since deceased]

2.K.Manjunath *

[* 2nd respondent has been submitted in the place of the deceased sole petitioner vide order dated 20.01.2011 made in W.P.M.P.No.827 of 2010]

... Petitioner

-Versus-

1.The Assistant Secretary,
State Transport Authority cum
Regional Transport Officer,
Cuddalore.

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

3.The State Transport Appellate Tribunal,
High Court Compound,
Chennai 600 104.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to accept the current tax for vehicle bearing Regn. No.TN 49-F-1967, renew the Fitness Certificate and permit the petitioner to operate his vehicle No.TN 49 F 1967 on the Route - Cuddalore to Villupuram forthwith.

For Petitioner(s) in : Mr.Govindaraman for
all Writ Petitions Mr.M.Muthappan

For Respondent(s) in : Mr.M.L.Mahendran, GA for R1
all Writ Petitions and R2

COMMON ORDER

The sole appellant before the Appellate Tribunal came up with these writ petitions. Since he died pending writ petitions, his son was brought on record as petitioner in these writ petitions. Since the parties in these writ petitions are one and the same with a common issue, they are taken up, heard together and disposed of by this common order.

2. In these writ petitions, the main challenge is to revocation of renewal of permits.

3. The petitioner is a stage carriage permit holder. The petitioner is also having a spare bus permit. The permits granted to the petitioner were revoked on the ground that he had failed to produce certain records within the time frame.

4. The main grievance of the petitioner is that his request for replacement of vehicle has not been properly considered by the respondents and though all necessary documents were made available to the respondents, they did not chose to grant renewal. According to petitioner, the challenge made to the refusal over grant of renewal of permits by way of appeal before the appellate tribunal also ended against his favour and as such he has no other go except to approach this court by way of the present writ petitions for appropriate reliefs.

5. Heard both sides and also perused the available records carefully.

6. The learned counsel for the petitioner submitted that the periods related to challenge made in the writ petitions had already been over and nothing more survives for adjudication. But, at the same time, the learned counsel for the petitioner further submitted that the renewal applications made by the petitioner for the current period are pending. However, the learned counsel for the petitioners is not in a position to point out the date of applications.

7. On the other hand, the learned Government Advocate appearing for the respondents submitted that, if any such applications are pending, the same shall be directed to be disposed of on merits and in accordance with law within a time frame.

8. In view of the above submissions made on either side, the writ petitions are disposed of with a direction to the respondents to consider the petitioners' renewal applications for the current period, pending if any, and pass appropriate orders on the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

kmk

To

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

2.The Assistant Secretary, State Transport Authority cum Regional Transport Officer, Cuddalore.

3.The State Transport Appellate Tribunal, High Court Compound, Chennai 600 104.

+1 cc to M/s.M.Muthappan, Advocate, sr.47368

+1 cc to The Government Pleader, sr.48099

Writ Petition Nos.2478, 2479, 2480

and 12214 of 2004

ala co, kra 24/09