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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.18581 of 2015
and M.P.(MD) No. 1 of 2015

D.S.Velmurugan

... Petitioner

Vs.

1.The Transport Commissioner,
State Transport Authority,
Chepauk, Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division,
Kumbakonam.

3.The Deputy Transport Commissioner,
Office of Deputy Transport Commissioner,
Virudhunagar.

4.The Secretary,
Regional Transport Authority,
Madurai (North),
Madurai District.

5.The Secretary,
Regional Transport Authority,
Sivagangai.

6.The Secretary,
Regional Transport Authority,
Ramanathapuram.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th to 6th respondents herein to issue directions to the second respondent herein to stop unauthorised operation of its buses TN 63N 1594 and TN 63 N 1612 and ply as per timings fixed by the Transport Authorities without any deviation of timings on the route of petitioner's bus TN 63 AJ 7923 plying on the route Madurai to Nainarkovil (via) Thiruppuvanam, Manamadurai, Parthibanur and IST Madurai and Paramakudi (via), Thiruppuvanam, Manamadurai and Parthibanur 2) Madurai to Chathirakudi (via) Thiruppuvanam, Manamadurai, Parthibanur and Paramakudi.

For Petitioner

... Mr.T.Padmanabhan



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For R1, R3 to R6 ... Mr.T.R.Janarthanam
Additional Government Pleader
For R2 ... Mr.D.Sivaraman

O R D E R

This writ petition has been filed seeking issuance of writ of mandamus directing the 4th to 6th respondents herein to issue directions to the second respondent herein to stop unauthorised operation of its buses TN 63N 1594 and TN 63 N 1612 and ply as per timings fixed by the Transport Authorities without any deviation of timings on the route of petitioner's bus TN 63 AJ 7923.

2. With consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing of the petitioner and the learned Additional Government Pleader appearing for the respondents 1, 3 to 6 and the learned counsel appearing for the second respondent.

4. The learned counsel for the petitioner would submit that the petitioner, namely, Mr.D.S.Velmurugan, is operating a stage carriage bus TN 63 AJ 7923, plying on the route Madurai to Nainarkovil (via) Thiruppuvanam, Manamadurai, Parthibanur and IST Madurai and Paramakudi (via), Thiruppuvanam, Manamadurai and Parthibanur 2) Madurai to Chathirakudi (via) Thiruppuvanam, Manamadurai, Parthibanur and Paramakudi, as per the timings fixed by the authorities for the past 15 years.

5. He would further submit that surprisingly, in order to create unhealthy competition between the buses owned by the petitioner and the Transport Corporation, which leads to racing among the drivers of both the buses endangering the safety of the travelling public as well as others travelling on the road, the second respondent has introduced and started plying its buses on the same road. Due to introduction of new set of timing, the Transport Corporation has exercised the power under Section 103 of Motor Vehicles Act and introduced their own buses in the same timing used by the petitioner. This has caused prejudice. Therefore, a representation has already been given to the first respondent on 16.07.2015 followed by another representation dated 07.09.2015. But these two representations are not considered. If a direction is given to consider the two representations no prejudice would be caused to any one.

6. This Court has carefully considered the submissions and perused the materials.

7. Since the petitioner's representations are pending for a long time, the first respondent is directed to consider the same as expeditiously as possible and pass orders on merits and in accordance with law in light of the G.O.Ms. NO.99 P & AR Department dated 21.09.2015



8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected M.P(MD) No. 1 of 2015 is closed.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

- 1.The Transport Commissioner,State Transport Authority, Chepauk, Chennai.
- 2.The Managing Director,Tamil Nadu State Transport Corporation Ltd.,Kumbakonam Division,Kumbakonam.
- 3.The Deputy Transport Commissioner,Office of Deputy Transport Commissioner,Virudhunagar.
- 4.The Secretary,Regional Transport Authority, Madurai (North), Madurai District.
- 5.The Secretary,Regional Transport Authority, Sivagangai.
- 6.The Secretary,Regional Transport Authority, Ramanathapuram.

+1cc to Mr.T.Padmanabhan, Advocate SR.No.60656
+1cc to Mr.D.Sivaraman, Advocate Sr.No.68077
+1cc to The Special Government Pleader Sr.No.60743

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akm/19.10.2015 /3p-10c/

Order made in
W.P. (MD)No.18581 of 2015
and M.P. (MD) NO. 1 of 2015
Dated: 13.10.2015