



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.18607 to 18609 of 2015andM.P(MD)Nos.1,1,& 1 of 2015and M.P.(MD) No. 2 of 2015In W.P.(MD) No.18607 of 2015:

Tmt.K.Bhoopathy

W/o.Durairaj,

Propx.Sri Lakshmi Krishna Transports

... Petitioner

Vs.

1.The District Collector Cum
Regional Transport Authority,
Trichy, Trichy District.

2. The Regional Transport Officer,
Regional Transport Office,
Srirangam,
Trichy District.

3. The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City,
Trichy District.

4. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents 3 and 4 and their men or their agents or their officials from interfering or creating any trouble to the operation of the petitioner's stage carriage bearing registration No.TN 48 J 1717 Town Service Route No.69A, plying upto Thuvakudi instead of Regional Engineering College and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

In W.P.(MD) No.18608 of 2015:

P.Subramani

... Petitioner

Vs.

1.The District Collector Cum
Regional Transport Authority,
Trichy, Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Regional Transport Officer,



Regional Transport Office,
Srirangam,
Trichy District.

3. The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City,
Trichy District.

4. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents 3 and 4 and their men or their agents or their officials from interfering or creating any trouble to the operation of the petitioner's stage carriage bearing registration No.TN 45 AH 8485 Town Service Route No.84, plying upto Thuvakudi instead of Regional Engineering College and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

In W.P. (MD) No.18609 of 2015:

V.Balasubramaniam

... Petitioner

Vs.

1.The District Collector Cum
Regional Transport Authority,
Trichy, Trichy District.

2. The Regional Transport Officer,
Regional Transport Office,
Srirangam,
Trichy District.

3. The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City,
Trichy District.

4. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents 3 and 4 and their men or their agents or their officials from interfering or creating any trouble to the operation of the petitioner's stage carriage bearing registration No.TN 45 R 6451 Town Service Route No.82, plying from Trichy Junction to Thuvakudi and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

In three Writ Petitions:

For Petitioner : Mr.A.C.Asaithambi
For R1 & R2 : Mr.T.R.Janarthanam
Additional Government Pleader
For R3 & R4 : Mr.D.Sivaraman

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C O M M O N O R D E R

These writ petitions have been filed seeking a common prayer for issuance of a writ of Mandamus forbearing the Respondents 3 and 4 or their men or their agents or their officials from interfering with the operation of petitioners' stage carriage bearing registration Nos.TN 48 J 1717 Town Service Route No.69A, plying upto Thuvakudi instead of Regional Engineering College, TN 45 AH 8485 Town Service Route No.84, plying upto Thuvakudi instead of Regional Engineering College, TN 45 R 6451, Town Service Route No.82 plying from Trichy Junction to Thuvakudi on the ground that the petitioners have got valid permits to ply their respective vehicles in the route prescribed therein and only if the petitioners operate their vehicles in different routes, the respondents 1 and 2, namely, the District Collector-cum-Regional Transport Authority and the Regional Transport Officer, Trichy, have got power to prevent the petitioners from plying the vehicles, therefore, the respondents 3 and 4 cannot prevent the petitioners' stage carriage from plying in the routes prescribed in the permit.

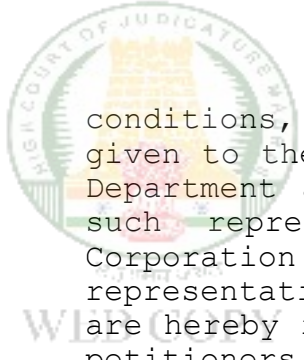
2.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that Rule 377 of Motor Vehicles Rule, 1989, empowers the Magistrate or Inspecting office of the Transport Department and Police Officers not below the rank of Head Constable to check the Motor Vehicles and demand for productions of records relating to the vehicles. The TNSTC Trichy Division are not empowered to check the stage carriage at any cost since they are one of the fleet operators and not a checking official. I find full force in the submission made by the learned Additional Government Pleader.

3.Admittedly, in the present case, the Tamil Nadu State Transport Corporation, Trichy Division are not having jurisdiction to check the Motor Vehicles, and demand for productions of records relating to the vehicle. In this regard, it is relevant to extract the relevant portion of the order passed by this Court in similar and identical circumstances.

"6.There is no dispute that the petitioners were granted two mini bus permits by the statutory authority in respect of their vehicles bearing Registration Nos.TN-74-J-9679 and TN-74-G-7014 respectively. The petitioners have got a right to ply the vehicles in accordance with the permit conditions and the route prescribed therein. In case, the petitioners are operating the vehicles through a different route, the fourth respondent has got a right to bring the same to the notice of the Transport Department and Police. However, the Fourth respondent has no right to prevent the petitioners from plying the vehicles by taking law into its own hands. So long as the petitioners ply the vehicles through the approved route, there would not be any obstruction from the respondents."

<https://hcservices.ecourts.gov.in/hcservices/>

4.As the petitioners have got permits to ply their vehicles in the routes prescribed therein, in the event of violation of the permit



conditions, resulting loss to the State Transport Corporation, liberty is given to the fourth respondent to bring it to the notice of the Transport Department and Police Department to take suitable action, hence, if any such representation is given by the Tamil Nadu State Transport Corporation to the respondents 1 and 2, it is for them to act on such representation in accordance with law. Therefore, the Respondents 3 and 4 are hereby restrained from interfering with the vehicles belonging to the petitioners.

5. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar.

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector Cum
Regional Transport Authority,
Trichy, Trichy District.
2. The Regional Transport Officer,
Regional Transport Office,
Srirangam, Trichy District.
3. The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City, Trichy District.
4. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

+3CC to Mr.A.C.Asaithambi, Advocate, SR.No. 60666

+1CC to The Special Government Pleader SR.No. 60931.

W.P(MD)Nos.18607 to 18609 of 2015
and
M.P(MD)Nos.1,1,& 1 of 2015
and M.P.(MD) No. 2 of 2015
13.10.2015

AM/18.11.2015/NGM.SS/4P/9C