



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P(MD)No.20421 of 2015

R.Gowri

:Petitioner

Vs.

1.The Secretary,
Regional Transport Authority,
Theni, Theni District.

2.The Secretary,
Regional Transport Authority,
Dindigul, Dindigul District.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to transfer the petitioner's stage carriage permit issued by the first respondent in his proceedings R.No.19694/A4/2013 Permit No.4/SC/TNI/2011 in respect of a bus bearing Registration No.TN57/AJ 6300 plying on the route Dindigul - To - Cumbum via Sempatti, Batlagundu, Periyakulam, Theni, Chinnamanur and Uthamapalayam along with the relevant records to the office of the 2nd respondent and by considering the petitioner's representation dated 28.09.2015.

For Petitioner : Mr.C.Venkateshkumar for
M/s.Ajmal Associates

For Respondents : Mr.N.S.Karthikeyan
Addl. Govt. Pleader

O R D E R

The petitioner is an Operator of stage carrier and she is operating a bus bearing Registration No.TN57/AJ 6399. The said bus is plying on the route Dindigul to Cumbum doing 2 singles and 6 singles on the total length of 114 Kms. The permit was issued by the Regional Transport Authority of then Madurai District and it is valid upto 01.05.2016. As per Rule 197-A of the Tamil Nadu Motor Vehicles Rules 1989 read with Section 69 of the Motor Vehicles Act, on and from the bifurcation of districts, the inter district routes (the route of which falls in both districts) shall be or deemed to be transferred to the newly formed region or district or retained in the divided district as the case may be depending upon the major portion of the route in the district.

2. It is the specific case of the petitioner that out of total length of the route of 114 Kms, 46 Kms lies in Dindigul District and remaining Kms lies in Theni District.

3. Therefore, the claim of the petitioner is entitled to be considered in terms of the above said Rules and the Act. The petitioner is entitled to the permit in her name as she has to go for Theni District for its renewal and for obtaining Fitness Certificate at the appropriate time and the same is causing inconvenience to her and if the permit is transferred to



Dindigul District, it will be easy for her to comply with the statutory formalities. The petitioner, in this regard, has submitted a representation dated 28.09.2015 to the first respondent, praying for transfer of Permit to the second respondent and it was also acknowledged by the first respondent.

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4. This Court, taking into consideration the averments made in the affidavit and after hearing the submissions of the learned Counsel for the petitioner and the learned Additional Government Pleader for the respondents, is of the view that the first respondent is directed to pass orders on the representation submitted by the petitioner on merits within the stipulated time.

5. Accordingly, the first respondent is directed to consider the petitioner's representation dated 28.09.2015 on merits and in accordance with law by taking into consideration Rule 197-A of the Tamil Nadu Motor Vehicles Rules 1989 read with Section 69 of the Motor Vehicles Act and also afford an opportunity of personal hearing to the petitioner and pass orders on merits within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. But, in the circumstances of the case, there is no order as to costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS)

To

1.The Secretary,
Regional Transport Authority,
Theni, Theni District.

2.The Secretary,
Regional Transport Authority,
Dindigul, Dindigul District.

+1cc to M/s.Ajmal Associates, Advocate in SR.66167
+1cc to the Special Government Pleader in SR.66508

W.P (MD) No.20421 of 2015

18.11.2015

NS

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