



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.9988 of 2015

and

M.P. (MD)No.1 of 2015

C.Nagarathinam

... Petitioner

Vs.

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

2.The Regional Transport officer,
Madurai South.

3.The Regional Transport Officer,
Srivilliputhur,
Virudhunagar District.

4.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division,
91, Bye pass Road,
Madurai - 10.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1, 2 and 3 to take action on the petitioner's representation dated 14.01.2015 to curb the illegal operation of spare bus TN-67/N-0849 by the 4th respondent as a regular route bus plying on the route "Srivilliputhur to Coimbatore viz., Madurai, Palani and Pollachi" forthwith.

For Petitioner : Mr.A.S.Asaithambi

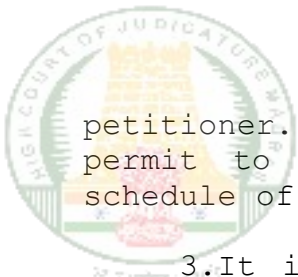
For Respondents : Mr.R.Anandaraj, G.A.for R1 to 3

Mr.A.P.Muthupandian for R4

O R D E R

The petitioner has filed the present Writ petition seeking an order for issuance of a Writ of Mandamus, directing the respondents 1, 2 and 3 to take action on the petitioner's representation dated 14.01.2015 to curb the illegal operation of spare bus of the 4th respondent bearing registration No.TN-67/N-0849 as a regular route bus plying on the route "Srivilliputhur to Coimbatore via., Madurai, Palani and Pollachi" forthwith.

2.The case of the petitioner is that he is holding stage carriage bus permit issued by the Regional Transport Authority, Dindigul for plying the bus from Madurai to Palani via Sempatti with regard to the bus bearing registration No.TN-64/H-1175 and the bus has been operating for the past 5 decades. The contention of the petitioner is that the 4th respondent is having spare bus bearing registration No.TN-67/N-0849 and the same was operating on the route from Srivilliputhur to Coimbatore via., Madurai, Palani and Pollachi and the said bus was departed at Madurai on the same timings of the petitioner, which caused loss to the



petitioner. On enquiry, the 4th respondent's bus does not have pucca permit to operate on the route Srivilliputhur to Coimbatore and no schedule of timings have been fixed to the said vehicle.

3. It is the further case of the petitioner that on 12.01.2015 the petitioner obtained a copy of bus permit, route map, schedule timings fixed, before the 3rd respondent. It is found that the 4th respondent bus permit is only a spare bus permit issued in the year 2011 and the 4th respondent is misusing the spare bus and operating the same as a regular route bus on the petitioner's route without obtaining valid permit. The petitioner submitted a representation dated 14.01.2015 before the respondents to take appropriate action with regard to the illegal operation of the 4th respondent's bus bearing registration No. TN-67/N-0849 plying on the route Srivilliputhur to Coimbatore via., Madurai, Palani and Pollachi. Since the respondents have not taken any action on the representation of the petitioner, the petitioner is before this Court with the present Writ petition.

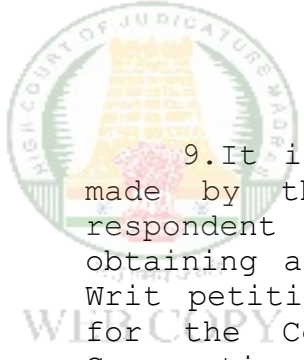
4. After notice, the respondents have entered appearance. However, it is submitted that by the learned Government Advocate appearing for the respondents 1 to 3 that the 4th respondent has obtained temporary permit to ply the spare bus and a copy of the temporary permit has been produced before this Court and the 4th respondent has stopped to ply the bus in the above said route.

5. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

6. It is seen that the temporary permit has been obtained by the Corporation only on 24.06.2015 after the petitioner's request and the Writ petition filed before this Court. Only after issuing notice to the 4th respondent, the said permit has been obtained. Hence, the act of the 4th respondent / Corporation in plying the spare bus without valid permit or temporary permit till 23.06.2015 is illegal. In the temporary permit, the vehicle number is TN-67/N-0714. Even though it is submitted that plying the spare bus in the above said route has been stopped to avoid any controversy, it appears that temporary permit has been obtained for some other vehicle.

7. The facts narrated by the petitioner are not in dispute. The Corporation spare bus was used as a regular bus, without obtaining temporary permit on the above said route and that the 4th respondent has stopped to ply the spare bus in the above said route, after filing of this Writ petition.

8. The 1st respondent is directed to consider the case of the petitioner with regard to plying the vehicle on the route Srivilliputhur to Coimbatore via., Madurai, Palani and Pollachi and that the respondents 1 to 3 shall not alter the present timing of the petitioner without his consent. As the 4th respondent / Corporation has not followed the mandatory provisions of the Motor Vehicles Act and that they can be permitted to operate if there are no legal impediment other than the time selected by the petitioner.



9.It is also open to the 1st respondent to look into the complaint made by the petitioner and take necessary action against the 4th respondent / Transport Corporation for plying the spare bus without obtaining any temporary or valid permit till the date of filing of the Writ petition. The respondents 1 to 3 cannot have different yardstick for the Corporation and private operators, thereby permitting the Corporation to ply the vehicle without permit. Since the Corporation used to ply the vehicle without permit, this Court is of the view that they should be imposed a cost of Rs.5,000/-, payable by them in two months to the Chief Justice Relief Fund, which in turn shall be forwarded to the persons affected, in Nepal Earth Quake tragedy.

10.The Writ petition is disposed of accordingly. No costs. Consequently, connected M.P.is closed.

Sd/-

The Assistant Registrar(RTI)

/True copy/

Sub-Assistant Registrar

To

- 1.The Regional Transport Authority,
Cum District Collector, Madurai.
- 2.The Regional Transport officer,
Madurai South.
- 3.The Regional Transport Officer,
Srivilliputhur, Virudhunagar District.
- 4.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, 91, Bye pass Road,
Madurai - 10.
- 5.The Section Officer,
Accounts Section,
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.H.Hariharan, Advocate SR.No.36702

+1cc to Mr.A.P.Muthupandian, Advocate SR.No.36947

nbj

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