

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-02-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.1136 of 2016

D. Desingrajan

... Petitioner

vs

The Secretary,
State Transport Authority,
Puducherry

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondent herein to forthwith issue the copy of the four permits along with the proceedings granting the said permits issued to the Puducherry Road Transport Corporation to ply on the route "Puducherry to Soriyankuppam" via Ariyankuppam, Thavalakuppam, Kriumambakkam, Kanniyakoil, Cuddalore and Chavady, and the timings fixed for all the four vehicles running in the said route as prayed for in the petitioner's representation dated 28.10.2015, followed by reminders dated 18.11.2015 and 25.11.2015.

For petitioner : Mrs. Radha Gopalan

For respondent : Mr.Govindarajan
Govt. Pleader (Pondy.,)
and
Mr.A. Tamilvanan
Govt.Advocate (Pondy.,)

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondent to forthwith issue the copy of the four permits along with the proceedings granting the said permits issued to the Puducherry Road Transport Corporation to ply on the route "Puducherry to Soriyankuppam" via Ariyankuppam,

Thavalakuppam, Kriumambakkam, Kanniyakoil, Cuddalore and Chavady, and the timings fixed for all the four vehicles running in the said route as prayed for in the petitioner's representation dated 28.10.2015 followed by reminders dated 18.11.2015 and 25.11.2015.

2. It is the case of the petitioner that he is a stage carriage operator, having permit issued by the State Transport Authority, Chennai, to ply on the inter-state route "Pondicherry to Chidambaram" via Reddichavadi, Kirumambakkam, Cuddalore, Kothattai and Bhuvanagiri. The permit is valid upto 30.06.2020 and the countersignature of the permit by the Secretary, State Transport Authority is also valid upto 30.6.2020.

3. Further, according to the petitioner, the respondent issued four (4) temporary permits with 64 singles to the Puducherry Road Transport Corporation Limited to ply on the route "Puducherry to Soriyankuppam" via Ariyankuppam, Thavalakuppam, Kriumambakkam, Kanniyakoil, Cuddalore and Chavady, originally for a period of two months i.e., from 1.5.2015 to 30.06.2015 and on expiry of the said permit, the permit was extended from 1.07.2015 to 30.08.2015. Since the petitioner is operating on the sectors of this route, he was highly aggrieved by the grant of the temporary permits by the respondent in favour of the Puducherry Road Transport Corporation. Hence the petitioner filed a Writ Petition in W.P No.23891 of 2015 before this Court and on 11.08.2015, this Court granted an order of interim injunction. Subsequently, on 09.10.2015, since the temporary permit, granted in favour of the Corporation, had already been expired, the writ petition was dismissed as infructuous.

4. The petitioner gave a representation dated 28.10.2015, requesting the respondent to furnish copies of the permits, proceedings, granting the said permits and the timings fixed for all the four vehicles. Though the respondent received the representation, he did not furnish the copies of the permits, proceedings and timings fixed to the petitioner. Thereafter, the petitioner sent reminders dated 18.11.2015 and 25.11.2015, however, the petitioner has not been furnished with the copies of the documents.

5. It is brought to the notice of this Court that the petitioner filed an application under Right to Information Act, before the respondent, seeking for copies of the documents. The respondent rejected the application, filed under Sec.80 of the Act.

6. Mrs.Radha Gopalan, learned counsel for the petitioner submitted that aggrieved over the order passed by the respondent under Right to Information Act, the petitioner preferred an appeal before the appellate authority and the appeal was disposed of on 10.02.2016 by the appellate authority, remanding the matter back to the original authority.

7. The petitioner has specifically stated in the affidavit, filed in support of the petition that unless and until he gets the copies of the documents, he will not be in a position to challenge the same. Further, the petitioner has stated that he is entitled to get the copies of the documents and refusing to issue the copies of the documents, is highly illegal and arbitrary.

8. Since the petitioner is entitled to get the copies of the documents, as sought for in his representation dated 28.10.2015, I am of the view that the petitioner should be provided with the same.

9. In these circumstances, I direct the respondent to furnish the copies of the permits, proceedings, granting the said permits and the timings, as sought for by the petitioner in his representation dated 28.10.2015 within a period of one week from the date of receipt of a copy of this order.

10. With these observations, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sr

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To

The Secretary,
State Transport Authority,
Puducherry

1 cc to M/s.S. Radha gopalan, Advocate, Sr. 9600
1 cc to the Government Pleader cum Public Prosecutor, Sr.
9557

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