

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12886 of 2016 &
W.M.P.No. 11256 of 2016

1 D.Desingrajan
Desingrajan Transport
No.53 Rajaji Street
Cuddalore O.T.-607 003. [PETITIONER]

Vs

1 The Secretary
The State Transport Authority
Puducherry
2 The Managing Director
M/s.Puducherry Road Transport
Corporation Limited
Puducherry. [RESPONDENTS]

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of certiorari to call for the records of the first respondent in P.St.C.No.16 to 19/PY/2015 dated 09.10.2015 granting permits to the second respondent to ply on the route Puducherry to Soriyankuppam via Ariyankuppam Thavalakuppam Kriumambakkam Kanniyakoil Cuddalore and Chavady and quash the same.

For Petitioner : Mrs.S.Radha Gopalan

For Respondent : Mr.C.T.Ramesh
Additional Government Pleader
asstd by
Mr.A.Tamilvanan,
Government Advocate

O R D E R

Heard Mrs.S.Radha Gopalan, learned Counsel appearing for the petitioner and Mr.C.T.Ramesh, learned Additional Government Pleader accepting notice on behalf of the respondent, assisted by Mr.A.Tamilvanan, learned Government Advocate and with the consent of learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. When the Writ Petition came up for hearing before this Court on 03.06.2016, this Court raised a preliminary question as to why the petitioner has not exhausted the alternate remedy available under the provisions of the Motor Vehicles Act, 1988.

3. The learned counsel for the petitioner raised two contentions viz. that the petitioner is questioning the jurisdiction of the authority who passed the impugned order on the ground that he is one of the Board of Directors of the second respondent Transport Corporation and secondly, it is contented that no appeal is maintainable under section 89 of the Act, since this is one of the orders prescribed in terms of clause (g) of section 89 (i) of the Act.

4. In order to get better clarity in the matter, this Court granted time, so that the petitioner can get instructions as to whether the petitioner could prefer a revision or not. Today, when the Writ Petition is taken up for hearing, the learned counsel for the petitioner would state that it may be true that revision is maintainable as against the impugned order, but the matter will be delayed for a long time. Further, the learned counsel for the petitioner produced a copy of the Puducherry Motor Vehicles Rules and pointed out that under section 84(2) of the Act, a Revision could be filed, which has to be heard by the Tribunal, which is the Court of Chief Judge of Puducherry. The apprehension of the petitioner is that the matter will be prolonged for a long period.

5. The learned Additional Government Pleader on instructions submitted that there are not many cases pending before the Tribunal and the Tribunal is disposing of the cases expeditiously.

6. In the light of the fact that the petitioner has got an effective alternate remedy of filing a Revision before the Tribunal, which is the Court of the Chief Judge, headed by a Judicial Officer in the cadre of Principal District Judge, the remedy would not only be efficacious, but effective. In the Revision Petition to be filed before the Tribunal, the petitioner is at liberty to raise the question of jurisdiction of the authority which passed the impugned order and if such question is raised, the Tribunal shall consider the same as first among other issues that may arise for consideration.

7. Considering the fact that the respondent is a State transport Corporation and the petitioner is a single bus stage carriage operator, petitioner is granted liberty to file a Revision Petition, within a period of thirty days from the date of receipt copy of this order and if the same is filed, the Tribunal shall not reject the Revision Petition

on the ground of limitation, as the Writ Petition was filed well within a period of thirty days from the date of passing of the impugned order and dispose of the Revision Petition at the earliest, preferably, within a period of three months from the date of filing of the Revision Petition.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Rpa

To

- 1 The Secretary
The State Transport Authority
Puducherry
- 2 The Managing Director
M/s.Puducherry Road Transport
Corporation Limited
Puducherry.

1 cc to Mr.S. Radha Gopalan, Advocate Sr.30558

W.P.No.12886 of 2016

BVR(CO)
EU 09.06.16

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