

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.13484 of 2016

and

WMP.No.11840 of 2016

P.K.Sirvarama Ganesh

... Petitioner

Vs

1.The Regional Transport Authority,
Ramanathapuram District,
Ramanathapuram.

2.State Transport Appellate Tribunal,
High Court Buildings,
Chennai 600 104.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent made in I.A.No.33 of 2016 in Appeal No.7 of 2016 dated 16.03.2016 and quash the same and direct the 2nd respondent to grant stay of the operation of the order of the 1st respondent made in R.No.684/A2/2015 dated 18.12.2015 pending disposal of the Appeal No.18 of 2016 on its file.

For petitioner ... Mr.M.Palani

For respondents ... Mr.P.V.Selvakumar

Additional Government Pleader

ORDER

The petitioner is a stage carriage operator who was granted a permit to operate his stage carriage from Pudumadam to Ramanathapuram old bus stand via Uchupuli. This permit was granted in the year 1979. In 1980, the petitioner sought for variation to enable them to ply the stage carriage from Ramanathapuram old bus stand via new bus stand to Ramanathapuram Palace. This variation was granted in the year 1980. However, in December 2015 based on a report submitted by the District Road Safety Committee dated 17.11.2015, the Regional Transport Authority passed an order dated 30.12.2015 stating that the petitioner is entitled to operate the bus from Pudumadam to

Ramanathapuram Palace, but cannot pick up passengers from Ramanathapuram Palace and the said stage carriage has to be stopped at Old bus stand and has to ply, after picking up passengers from the said bus stand. This order has been challenged by the petitioner by filing an appeal before the State Transport Appellate Tribunal in Appeal No.7 of 2016. Pending disposal of the appeal, the petitioner sought for an order of interim stay. However, the Tribunal rejected the said petition as against which the present writ petition has been filed.

2.At the time when the writ petition was entertained, an order of status quo was granted by this Court which continues to be in force. It is stated that the records have been received by the Tribunal and the appeal itself is ripe for hearing. In any event, the petitioner has been operating in the varied route since 1980. Therefore, whatever status quo, which is prevailing prior to the order passed by the Regional Transport Authority dated 30.12.2015, should be permitted to be maintained, till the appeal filed by the petitioner before the State Transport Appellate Tribunal is heard and disposed of on merits and in accordance with law.

3.Accordingly, the Writ Petition is allowed. The impugned order is set aside and there will be an order of status quo prevailing prior to the order passed by the Regional Transport Authority dated 30.12.2015 be maintained till the appeal filed by the petitioner in Appeal No.7 of 2016 on the file of the State Transport Appellate Tribunal, Chennai is heard and disposed of on merits. No costs.
sgl

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1.The Regional Transport Authority,
Ramanathapuram District,Ramanathapuram.
- 2.State Transport Appellate Tribunal,
High Court Buildings, Chennai 600 104.

+ 1 cc to Mr.N.Palani, Advocate SR 30016

+ 1 cc to Govt.Pleader SR 30152

gk(ii)
prk15/6

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