

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.24118 & 24119 of 2016 and
WMP.Nos.20637 & 20638 of 2016

P.Samiappa Gounder,
Proprietor, P.S.G. Transpots,
41, Majid Street, Kangayam - 638 701.
Tirupur District. .. Petitioner in both WPs.

Vs.

1.The Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
Mettupalayam Road, Coimbatore.

2.The State Transport Authority,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Regional Transport Authority,
Tirupur Region, Collectorate,
Tirupur.

4.The Regional Transport Authority,
Erode Region, Collectorate, Erode.

.. Respondents in W.P.24118/2016

1.The State Transport Authority,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The Regional Transport Authority,
Tirupur Region, Collectorate, Tirupur.

3.The Regional Transport Authority,
Erode Region, Collectorate, Erode.

4.The Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
Mettupalayam Road, Coimbatore.

.. Respondents in
W.P.24119/2016

Prayer in WP.No.24118/2016 :Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the 1st respondent and its officials not to interfere in any manner with the plying of the buses by the petitioner on the respective routes.

Prayer in WP.No.24119/2016 :Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents 1 to 3 to strictly follow the SEC 103 of TNMV Act 1988 R/w Rule 248, 288 & 289 of TN MV Rules, 1989 before the issue of permit to the 4th respondent.

For Petitioner : Mr.Kalyana Sundaram, Senior Counsel
in both WPs For Mr.T.Padmanabhan

For Respondent : Mr.S.Sai Raman
(R1 in WP.24118/2016)
(R4 in WP.24119/2016)

For RR 2 to 4 : Mr.M.L.Mahendran (in WP.24118/2016)
Government Advocate

For RR 1 to 3 : Mr.M.L.Mahendran (in WP.24119/2016)
Government Advocate

COMMON ORDER

Heard Mr.Kalyana Sundaram, learned Senior Counsel assisted by Mr.T.Padmanabhan, learned counsel appearing for the petitioner; Mr.S.Sai Raman, learned counsel accepting notice for the 1st respondent in WP.No.24118/2016 & 4th respondent in WP.No.24119/2016; and Mr.M.L.Mahendran, learned Government Advocate accepting notice on behalf of the respondents 2 to 4 in WP.No.24118/2016 & respondents 1 to 3 in WP.No.24119/2016. By consent of the learned counsel on either side, these Writ Petitions are taken up for final disposal.

2.The petitioner is a stage carriage operator, who has been granted three permits to operate the buses between (i) Tirupur to Erode via. Kangayam and Chennimalai; (ii) Kangayam Bus Stand to Palapalayam Colony via.Chennimalai; and (iii) Chennimalai Bus stand to Kanjikoil via.Perundurai. The allegation is that the State Transport Corporation buses, which are being run by the 1st respondent in the above routes, are preventing the petitioner from operating his stage carriages. The further allegation is that the 1st respondent (in WP.No.24118/2016) has fixed their own timings without any regard to the public interest and often it results in a wordy quarrel between the crew members and ultimately, ends in a law and problem.

3.The learned Senior Counsel appearing for the petitioner invited the attention of this Court to the photographs filed in the typed set of papers which show that the State Transport Corporation buses have been parked straight in front of the petitioner bus thereby preventing the petitioner's bus from being moved out of the bus stand. Further, the petitioner would state that the State Transport Corporation buses have been operated without even obtaining any permit and without fixing any timings. Therefore, the petitioner has filed the other writ petition in W.P.No.24119 of 2016 to direct the respondents viz., the State Transport Authority and the Regional Transport Authority of Tiruppur and Erode to strictly follow Section 103 of the Tamil Nadu Motor Vehicles Act read with Rules 248, 288 and 289 of the Tamil Nadu Motor Vehicles Rules, 1989 before the issue of permit to the State Transport Corporation.

4.Though the above allegations have been made against the State Transport Corporation, it is seen that the petitioner has lodged police complaints. If the allegation is that the petitioner is being prevented from operating his stage carriages in the authorised route as per the timings fixed, then, immediately the petitioner should have brought it to the notice of the Regional Transport Authorities. Further, if it is the case of the petitioner that the Transport Corporation is plying their buses without permits and they do not adhere to any timings schedule nor there is any time schedule fixed for them, this also should have been immediately brought to the notice of the Regional Transport authorities. If the allegations made by the petitioner is true, then, immediate action should be taken against the State Transport Corporation for violating rule of law. The petitioner having been granted a stage carriage permit is entitled to operate the buses in the routes permitted as per the schedule of timings fixed, if there is any interference, then, the Regional Transport Authority should issue appropriate instructions to the State Transport Corporation so as to enable the petitioner to ply his stage carriages in the authorised routes. Similarly, if the State Transport Corporation are acting in a manner by taking law into their hands, they should be dealt with very strictly and surprise checks should be directed to be conducted on such buses and in cases where they are operating buses without any permits, immediately the buses should be seized.

5.It is seen that the above allegations have been brought to the notice of the State Transport Authority as well as the Regional Transport Authorities, by representation dated 06.06.2016. However, there appears no action initiated, therefore, there will be a direction to the petitioner to submit a fresh representation, clearly setting out as to all the alleged violations committed by the Tamil Nadu State Transport

Corporation (Coimbatore) Limited, to the Regional Transport Authority, Tirupur Region, Tirupur and to the Regional Transport Authority, Erode Region, Erode, along with the copy of the earlier representation dated 06.06.2016, within a period of two weeks from the date of receipt of a copy of this order. The petitioner is also at liberty to give the particulars of those buses said to have been operated by the State Transport Corporation without permit. On receipt of the said representation, the Regional Transport Authorities shall issue notice to the State Transport Corporation as well as the petitioner and after affording an opportunity of personal hearing, take appropriate action on the petitioner's representation. Needless to state that the Regional Transport Authorities having granted permit to the petitioner, they should ensure that the petitioner is able to operate the buses in the permitted routes. The Regional Transport Authorities are directed to comply with the direction within a period of two weeks from the date on which representations received.

6. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore.

2. The State Transport Authority,
Ezhilagam, Chepauk,
Chennai - 600 005.

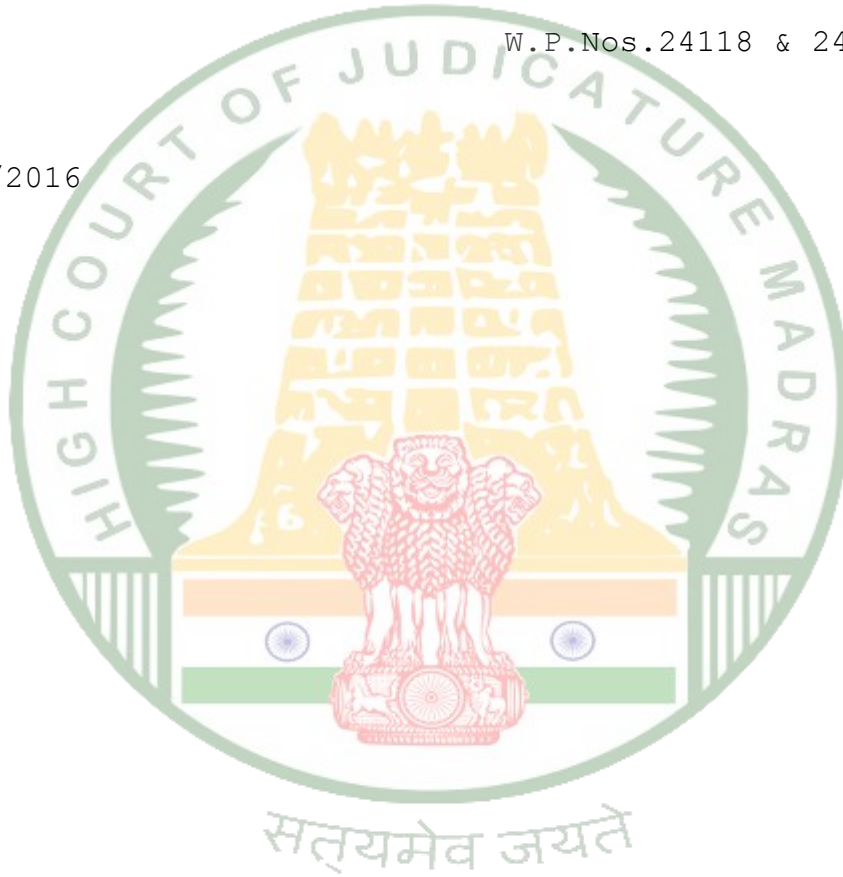
3. The Regional Transport Authority,
Tirupur Region, Collectorate,
Tirupur.

4.The Regional Transport Authority,
Erode Region, Collectorate,
Erode.

+1cc to Mr.T.Padmanabhan, Advocate Sr.39737
+1cc to the Government Pleader Sr.39671

W.P.Nos.24118 & 24119 of 2016

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