

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-08-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.28373 of 2016
and
W.M.P.No.24495 of 2016

Senthurvel Bus Service
28 Perichipalaym North
Dharapuram Tirupur 614 608
rep by its partner R.Ravikumar

.. Petitioner

Vs.

1.The State Transport Appellate Tribunal
High Court Complex
Chennai-600 104.

2.The Regional Transport Authority
Tirupur Region-North
Collectorate
Tirupur.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari, to call for the records of the 1st respondent made in I.A.No.95 of 2016 in Appeal No.89 of 2016, dated 07.06.2016, quash the same and pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner :Mr.K.Raja
Senior Counsel
for Mr.T.Padmanabhan

For Respondents :Mr.Zahir Hussain
Government Advocate

WEB COPY
O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records of the 1st respondent made in I.A.No.95 of 2016 in Appeal No.89 of 2016, dated 07.06.2016, quash the same.

3. According to the petitioner, he is the holder of minibus permit for vehicle bearing Regn.No. TN-51-Z-6161 to operate on the route Tirupur Miller Stop to Indiranagar having its terminus at Miller Stop located within the Tirupur City Limit, which is a heavily congested area. Traffic Regulations have been given effect to, thereby, shifting the terminus of bus routes located within the city limits to Old Bus Stand. The petitioner made a representation to the 2nd respondent, on 12.10.2013, seeking permission to shift the terminus from Miller Stop to Tirupur Old Bus Stand. The 2nd respondent, by order dated 05.05.2016, rejected the petitioner's request on the ground that the request amounts to variation of permit condition and the norms fixed in the Scheme. Aggrieved against which, an appeal in Appeal No.89 of 2016 was filed before the 1st respondent on 20.05.2014 with a petition under Section 214(2) of the M.V.Act praying for an interim direction to shift the terminus from Miller Stop to Old Bus Stand and to operate on the route Tirupur Old Bus Stand to Indiranagar. By impugned order, dated 07.06.2016, the 1st respondent declined to grant the interim direction. Hence, the petitioner has filed this Writ Petition seeking the relief stated supra.

4. Mr.K.Raja, the learned senior counsel for the petitioner would submit that the petitioner would be satisfied, if the 1st respondent is directed to consider and dispose of the Appeal filed by the petitioner on 20.05.2014, within a short period of time.

5. Mr.Zahir Hussain, the learned Government Advocate, who took notice for the respondents, would submit that the Appeal will be considered and appropriate orders will be passed, on merits and in accordance with law.

6. Taking into consideration that no interim order has been granted by the 1st respondent in I.A.No.95 of 2016 in Appeal No.89 of 2016, though, in similar circumstances, interim order has been granted, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the appeal of the petitioner, dated 20.05.2014, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

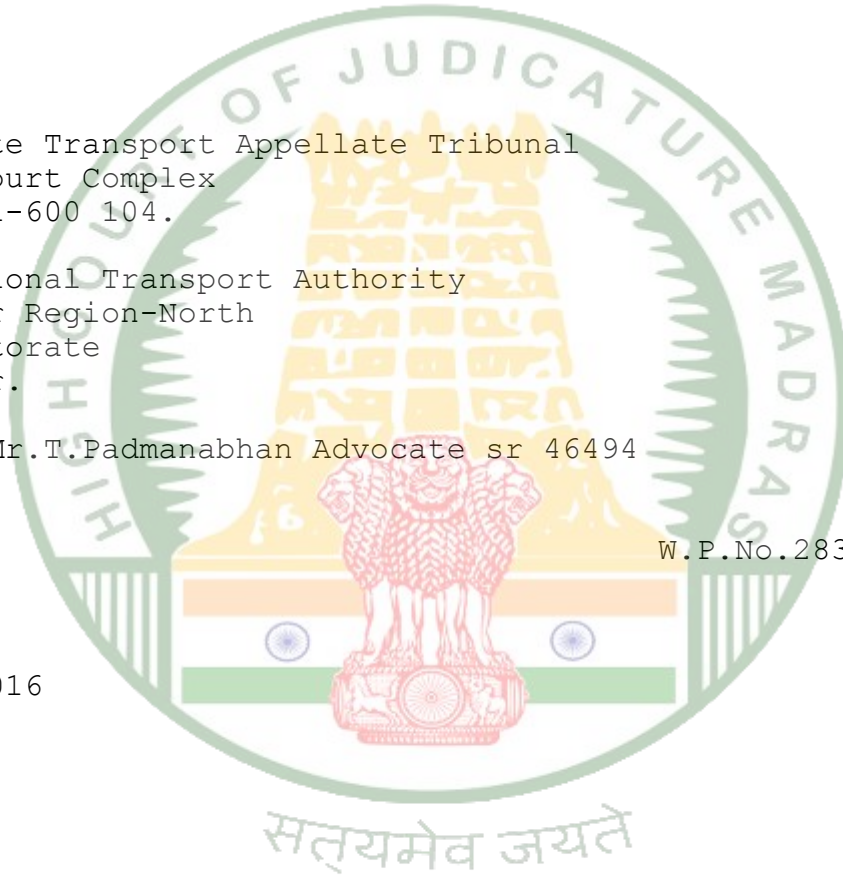
1.The State Transport Appellate Tribunal
High Court Complex
Chennai-600 104.

2.The Regional Transport Authority
Tirupur Region-North
Collectorate
Tirupur.

+1 cc to Mr.T.Padmanabhan Advocate sr 46494

W.P.No.28373 of 2016

aa12/09/2016



WEB COPY