

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.30919 of 2016

R.Rathnasamy

...Petitioner

Vs.

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

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's application, dated 12.08.2016, seeking permission for shifting of the terminus of his route from Tirupur Railway Station bus stop to Tirupur Old Bus Stand and to operate his minibus TN 49 F 3033 to and from Tirupur Old Bus Stand.

For Petitioner : Mr. T. Padmanabhan

For Respondent : Mr. S. Navaneethan
Additional Government Pleader

O R D E R

Heard Mr. T. Padmanabhan, learned counsel appearing for the petitioner, and Mr. S. Navaneethan, learned Additional Government Pleader, accepting notice on behalf of the respondent. With consent on either side, the Writ Petition itself is taken up for final disposal.

2. The petitioner has been granted minibus permit for the route Tirupur Railway Station to Nesavalur Colony, via. 2nd Railway Gate, Palayakad, Goldennagar, Goundanaickenpalayam, Thottiam-Mannarai, Railway Gate, Parapalayam, Kulathupalayampirivu, having its terminus at Railway Station Bus Stop intended to pick up and set down of passengers by buses passing through this Stop.

3. The petitioner has now submitted a representation to the respondent, dated 12.08.2016, requesting for shifting of the terminus. The petitioner would state that, on account of the

congestion in the area, the passengers, especially, the school children are put to great difficulty. Therefore, the petitioner seeks for shifting the terminus alone from Tirupur Railway Station bus stop to Tirupur Old Bus Stand. The petitioner, in support of his case, placed reliance on the order passed in W.P.No.2778 of 2008, dated 01.02.2008, in (Ponnathal Vs. Regional Transport Authority Coimbatore District). In the said Writ Petition also, a request was made by the minibus permit holder to enter the Tiruppur Bus Stand while operating the bus from Tiruppur Railway Station to Nesavalur Colony, and the said Writ Petition was disposed, by taking note of the earlier order passed in W.P.No.23283 of 2005, dated 20.07.2005, subject to the condition that the overlapping distance of 4 kilometers should not be exceeded in the served sector. It is further submitted that this kind of bus terminus, within the city limits, is for convenience of the travelling public, and it would not amount to alteration of the route.

4. On the other hand, the learned Additional Government Pleader for the respondent would submit that, shifting of the bus stand would amount to alteration of the route, and therefore, the respondent may be directed to consider the representation of the petitioner on merits and in accordance with law.

5. In the light of the above submission, there will be a direction to the respondent to consider the petitioner's representation, dated 12.08.2016, on merits and in accordance with law, after notice to all the Stage Carriage, and Minibus Operators in the said sector. The direction issued herein shall be complied with, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.T.Padmanabhan, Advocate Sr.50212
+1cc to the Government Pleader Sr.50939

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