

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2016

Coram

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

Writ Petition No. 33483 of 2016

G. Poongavanam

... Petitioner

Vs.

The Secretary,
The Regional Transport Authority,
Cuddalore and Cuddalore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to process the application submitted by the petitioner on 29.08.2016, and to grant spare mini bus permit to the petitioner, as per Rule 176 (7) of the Tamil Nadu Motor Vehicles Rules, 1989.

For Petitioner : M/s. S. Vaitheeswari

For Respondent : Mr. A. N. Thambidurai
Special Government Pleader

ORDER

Heard M/s. S. Vaitheeswari, learned counsel appearing for the petitioner, and Mr. A. N. Thambidurai, learned Special Government Pleader, accepting notice on behalf of the respondent. With the consent on either side, the Writ Petition itself is taken up for disposal.

2. The petitioner has filed this Writ Petition, seeking for a issuance of a writ of mandamus to direct the respondent to process the application submitted by her on 29.08.2016, and to grant spare mini bus permit, as per Rule 176 (7) of the Tamil Nadu Motor Vehicles Rules, 1989.

3. The petitioner is said to be a Single Mini Bus Operator, operating in the route of Nallurpalayam to Panruti Bus Stand, via., Mariyamman Koil, Vaniyampalayam, Kutchipalayam, Pandarakotaai Colony, Thorapadai, Pudupettai, Tharga, Thermutti, since 2006, and the permission granted to the petitioner is said to be valid till 12.04.2001. Since the petitioner is Single

Mini Bus Operator in the said route, and it is only the Mini Bus, which is plying in the said route, the petitioner made application to the respondent on 29.08.2016, for grant of spare mini bus permit. The petitioner states that she is entitled to get permission in terms of Rule 176 (6) of the Tamil Nadu Motor Vehicles Rules, 1989. The application is said to have been received by the respondent on 30.08.2016. However, the petitioner has not been given any acknowledgment and the application has not been processed, and therefore, the petitioner is before this Court.

4. The learned Special Government Pleader for the respondent would submit that, if the application is in order, and if there is provision under the relevant rules, the respondent would consider the same on merits.

5. Considering the limited scope of the prayer, sought for by the petitioner, and the submission made by the learned Special Government Pleader, there will be a direction to the respondent to consider the petitioner's application, dated 29.08.2016, for grant of spare mini bus permit in accordance with provisions of the Tamil Nadu Motor Vehicles Act and the rules framed thereunder, and pass appropriate orders, after giving opportunity of personal hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Secretary,
The Regional Transport Authority,
Cuddalore and Cuddalore District.

+2cc to Mr.S.Sundaresan, Advocate sr.54098,54389
+1cc to the Government Pleader Sr.54589

Writ Petition No.33483 of 2016

nr[co]
srg 07/10/2016