

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HON 'BLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.39745 of 2016

L.Venkatesan

... Petitioner

Versus

1. The State Transport Appellate Tribunal,
High Court Campus, Chennai 600 104
 2. M.Doraisamy
 3. The Regional Transport Authority,
Coimbatore Region - South,
Collectorate, Coimbatore 641 018
 4. K.Krishnakumar, S/o. Kangeya Gounder,
Prop.: K.M.S. Bus Service,
No.27 Murgampalayam, Avinashi Road,
Tirupur - 641 603
- ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the first respondent herein to expedite the trial, advance the hearing in Appeal No.1 of 2016, pending on his file and pass orders within a time frame as may be fixed by this Court.

For Petitioner : Mr. C.Balasubramaniam

For Respondent : Mr. S.Diwakar, for R-1 & R-3

O R D E R

This writ petition has been filed by the petitioner praying for the issuance of a writ of mandamus, directing the first respondent herein to expedite the trial, advance the hearing in Appeal No.1 of 2016, pending on his file and pass orders within a time frame as may be fixed by this Court.

2. Heard the learned counsel appearing for both sides.

3. According to the petitioner, the petitioner is an existing stage carriage operator having permits issued by the State Transport Authority, Tamil Nadu, for the past 20 years.

The petitioner along with the fourth respondent made a joint application for transfer of permit before the third respondent, to transfer the same, in the name of the petitioner. The third respondent effected the transfer. The permit of the petitioner has been renewed periodically. The second respondent, who is the stranger to the transfer of permit, applied for grant of permit, for the route of the petitioner. Therefore, the petitioner made a complaint through its Association. The second respondent preferred an Appeal before the first respondent in Appeal No.1 of 2016, with an ulterior motive, by raising frivolous grounds. Stating that the petitioner has a fair chance to succeed the appeal and also stating that the second respondent has approached the first respondent, with unclean hands, the petitioner has approached this Court, by way of this writ petition.

4. This Court has carefully considered the submissions made by the learned counsel for both sides and perused the materials available on record.

5. Since the prayer sought for by the petitioner in this writ petition is only for a direction to the first respondent herein to expedite the trial in Appeal No.1 of 2016, pending on his file, this Court is of the considered opinion that such a direction shall be granted. Therefore, the first respondent herein is hereby directed to disposed of the Appeal in Appeal No.1 of 2016, filed by the second respondent herein, on merits and in accordance with law, after giving notice to the fourth respondent and other rivalry parties, who any, within a period of four months from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. The State Transport Appellate Tribunal,
High Court Campus, Chennai 600 104

2. The Regional Transport Authority,
Coimbatore Region - South,
Collectorate, Coimbatore 641 018

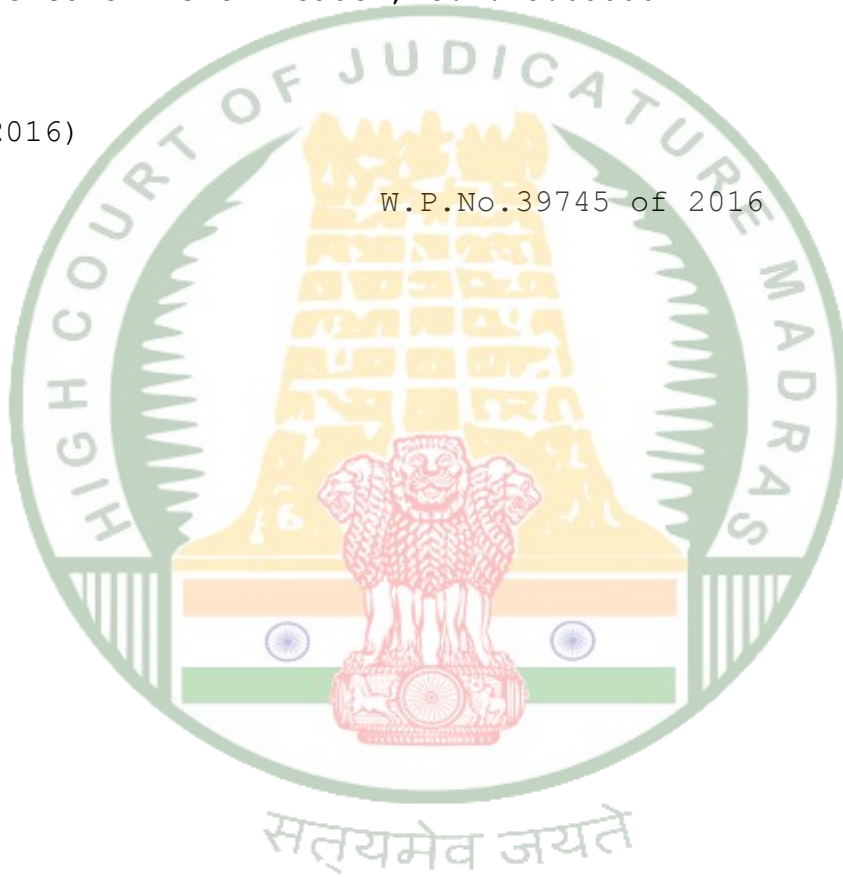
+1cc to Mr.C. Balasubramaniam, Advocate, S.R.No.65432

+1cc to the Government Pleader, S.R.No.65858

br(CO)

md(24/11/2016)

W.P.No.39745 of 2016



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