



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.12396 and 12397 of 2016
and W.M.P. (MD) Nos.9407 and 9408 of 2016

In W.P. (MD) No.12396 of 2016:

M.Y.Abdul Jaleel

... Petitioner

vs.

The Regional Transport Authority,
Kumbakonam,
Tanjore District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent herein to permit the petitioner's Mini Bus TN-68/D-4136 to go inside the Kumbakonam Town Bus Stand as per the Transport Commissioner's Circular Letter in R.No.90919/E2/2000, dated 29.11.2000, while ply on the route Sannapuram Madhakovil to Dharasuram, forthwith.

In W.P. (MD) No.12397 of 2016:

M.Y.Abdul Jaleel

.. Petitioner

vs.

The Regional Transport Authority,
Kumbakonam,
Tanjore District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent herein to permit the petitioner's Mini Bus TN-68/7254 to go inside the Kumbakonam Town Bus Stand as per the Transport Commissioner's Circular Letter in R.No.90919/E2/2000, dated 29.11.2000, while ply on the route Sannapuram Pudukulam to Mottaigopuram forthwith.

For Petitioner : Mrs.K.Hariharan

For Respondent : Mr.T.R.Janarthanam

Special Government Pleader



C O M M O N O R D E R

The petitioner has filed the present writ petitions seeking writ of mandamus directing the respondent herein to permit the petitioner's Mini Buses, bearing Registration Nos. TN-68/7254 and TN-68/D-4136, to go inside the Kumbakonam Town Bus Stand as per the Transport Commissioner's Circular in Letter R.No.90919/E2/2000, dated 29.11.2000, while plying on the routes "SANNAPURAM MADHAKOVIL TO DHARASURAM" and "SANNAPURAM PUDUKULAM TO MOTTAI GOPURAM" forthwith.

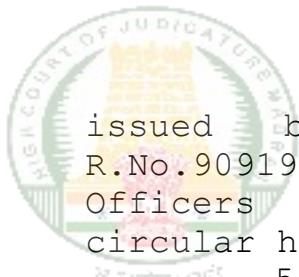
2. The learned counsel appearing for the petitioner submits that the petitioner is holding a Mini Bus permit issued by the respondent, the Regional Transport Authority, Kumbakonam, for the routes, "SANNAPURAM MADHAKOVIL TO DHARASURAM" and "SANNAPURAM PUDUKULAM TO MOTTAI GOPURAM". By virtue of the said permit issued to him, he is running the Mini Buses, catering to the needs of the travelling public with utmost care. While so, in the year 2000, the State Government has taken a policy decision to permit the Mini Buses to go inside the Kumbakonam Town Bus stand for the purpose of travelling village public to avail the full benefit of the Mini Bus Scheme. As per the said circular issued by the Transport Department, the Government has taken a policy decision, permitting the Mini Buses to enter into the bus stand for the purpose of giving the benefit of the scheme to the villagers in full subject to the condition that the overlapping distance of 4 kms should not exceed in the served Sector. The circular further says that the existing operators under the old scheme may be permitted to switch over to the new scheme on priority basis. Their applications need not be treated as new ones and placed in the queue, as it involves substitution of the routes only. On this basis, learned counsel appearing for the petitioner submitted that the petitioner also should be permitted to go inside the Kumbakonam Bus Stand. In support of his submission, he has relied upon several orders passed by this Court in W.P.No.38022 of 2003 dated 24.12.2003, W.P.No.4966 of 2006 dated 22.02.2006 and one another order passed by this Court in W.P.No.47673 of 2006 dated 11.12.2006.

3. In this context, it is also relevant to extract one of the orders passed by this Court in **W.P.No.4966 of 2006 dated 22.02.2006** relied on by the learned counsel for the petitioner which is given as under:-

"Considering the similar order passed in W.P.No.38022 of 2003 dated 24.12.2003, the writ petition is allowed subject to the condition that the petitioner complies with condition No.1 found incorporated in the letter of the Transport Commissioner dated 29.11.2000. No costs."

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4. The learned Special Government Pleader, who takes notice for the respondent, after having perusal of the circular



issued by the Government of Tamil Nadu in letter R.No.90919/E2/2000, dated 29.11.2000 to all the Regional Transport Officers to take necessary action by implementing the said circular has not opposed the prayer sought for by the petitioner.

5. Admittedly, these are the cases, where the petitioner was issued with Mini Bus permit by the Regional Transport Authority, Kumbakonam, for the routes "SANNAPURAM MADHAKOVIL TO DHARASURAM" and "SANNAPURAM PUDUKULAM TO MOTTAI GOPURAM" and subsequently, pursuant to the circular issued in the year 2000, the State Government has also taken a policy decision to permit the Mini Buses to go inside the bus stand, so that the travelling village public will have the full benefit of Mini Bus scheme. When the scheme itself states that the Government has taken a policy decision by permitting the Mini Buses to enter into the bus stand so that the benefit of the scheme reaches the villagers in full subject to the condition that the overlapping distance of 4 kms should not exceed in the served sector and total distance of petitioner's mini bus route is 13.8 kms (served area 3.5 kms and 10.3 kms unserved area) this will apply to the petitioner's case also. This case has been covered by various orders passed by this Court as mentioned above.

6. Under these circumstances, this Court is inclined to follow the same order by directing the respondent to permit the petitioner's Mini Buses bearing Registration Nos. TN-68/D-4136 and TN-68/7254 to go inside the Kumbakonam Bus Stand, as per the Transport Commissioner's Circular letter in R.No.90919/E2/2000, dated 29.11.2000, while operating on the routes, "SANNAPURAM MADHAKOVIL TO DHARASURAM" and "SANNAPURAM PUDUKULAM TO MOTTAI GOPURAM" .

7. It is also made clear that the writ petitions are allowed subject to the condition that the petitioner complies with condition No.1 found incorporated in the letter mentioned above issued by the Transport Commissioner of Tamilnadu. No costs. Consequently, W.M.P. (MD) Nos.9407 and 9408 of 2016 are closed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

The Regional Transport Authority, Kumbakonam, Tanjore District.

+1 cc to M/s.K.Hariharan, Advocate in SR.No.37089

+1 cc to The Special Government Pleader in SR.No. 37255

CM

SDR/SKS-RR/26.07.2016 :3P/4C

W.P. (MD) Nos.12396 and 12397 of 2016
and W.M.P. (MD) Nos.9407 and 9408 of 2016

15.07.2016