



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.14151 of 2016

G.Manavalan

... Petitioner

Vs

1.The District Collector (cum),
The Regional Transport Authority,
Collector Office,
Dindigul.

2.The District Collector (cum),
The Regional Transport Authority,
Collector Office,
Madurai.

3.The Secretary,
Regional Transport Authority,
Regional Transport Office,
Dindigul.

4.The Secretary,
Regional Transport Authority,
Regional Transport Office,
Madurai.

5.The Motor Vehicle Inspector,
Unit Office, Vadipatti,
Madurai.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 & 2 to consider the petitioner's representation dated 04.07.2016 to take appropriate action under Section 86(b) of Motor Vehicles Act,1988.

For petitioner : Mr.R.Murgaboopathy

For respondents : Mr.T.R.Janarthanam

Additional Government Pleader

**ORDER**

The case of the petitioner is that he is given permission to operate the bus services between Dindigul to Madurai (via) Koadai Road, Vadipatti and Samayanallur through TN58S 8894 and between Dindigul to Madurai (via) Koadai Road, Vadipatti and Samayanallur, through TN58X 8286 with valid permit. Similarly, one Maruthu Transport is given permission to operate the bus services between Madurai to Dindigul (via) Samayanallur, Nagari, Sholavandhan, Karattupatti, Pandiarajapuram, Pallapatti Pirivu, Kodai Road and Dindigul.

2. The main grievance of the petitioner projected by the petitioner is that though the permit is given to the said Maruthu Transport, as indicated above, violating the conditions stipulated under Section 86(b) of the Motor Vehicles Act, 1988, Maruthu Transport operates the route, which is given to the petitioner. Due to the action of Maruthu Transport, the timings given to the petitioner gets disrupted. In this regard, the petitioner has given a representation to all the respondents on 04.07.2016. In response to the said representation, the Motor Vehicle Inspector, Vadipatti, had properly conducted an enquiry and given a Report to the Regional Transport Officer, Dindigul, on 12.07.2016, with an advise to the owner of Maruthu Transport to operate the bus service as per the permit given to him. But, the said Maruthu Transport is hardly abided by the instructions given to him. Thereupon, the Secretary, Regional Transport Authority, Dindigul, had also given instruction to Motor Vehicle Inspector, Vadipatti to seize the vehicle, as he continues to be violating the permit given to Maruthu Transport. Hence, the petitioner has come forward with this Writ Petition praying for a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 04.07.2016 to take appropriate action under Section 86(b) of Motor Vehicles Act, 1988.

3. Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents.

4. This Court is of the view that it need not give any direction to the respondents herein for the simple reason that since the said Maruthu Transport continuously violates the permit conditions, the third respondent, namely, the Secretary, Regional Transport Office, Dindigul, through his proceedings dated 19.07.2016, went to the extent of issuing notice under Section 207 of Motor Vehicle Act. Therefore, the enquiry is on against the said Maruthu Transport, for taking necessary action. As a matter of fact, prior to the proceedings dated 19.07.2016, the Motor Vehicle Inspector, Vadipatti has also given a Report on 12.07.2016 about the violation done by Maruthu Transport.



5. In such circumstances, this Writ Petition stands dismissed. However, if the respondents do not act upon the notice dated 19.07.2016 issued against Maruthu Transport, within a reasonable time, it is always open to the petitioner to approach this Court for necessary relief. No costs.

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/True Copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar

ssm

To

- 1.The District Collector (cum),
The Regional Transport Authority,
Collector Office, Dindigul.
- 2.The District Collector (cum),
The Regional Transport Authority,
Collector Office, Madurai.
- 3.The Secretary,Regional Transport Authority,
Regional Transport Office,Dindigul.
- 4.The Secretary,
Regional Transport Authority,
Regional Transport Office,
Madurai.
- 5.The Motor Vehicle Inspector,
Unit Office, Vadipatti,
Madurai.

+1CC to Spl.Government Pleader Sr.No.42601

GJM/SS2/30.9.16-2p-7c

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