



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.17356 of 2016

K.Sivakumar

... Petitioner

-vs-

1. The Regional Transport Authority,
Anna Nagar, Tiruchirapalli,
Tiruchirapalli District.

2. The Regional Transport Officer,
Sri Rangam,
Tiruchirapalli,
Tiruchirapalli District.

... Respondents

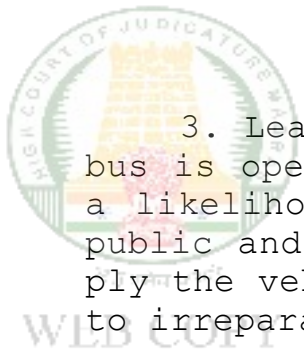
Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to permit the petitioner's mini bus bearing registration No.TN -01-J-4812 while plying from Tollgate Bus Stand to Poovalur Bus Stand via., Thalakudi-Agilandapuram-Melavaladi-Sivan Kovil-Station Valadi-Patchampettai Valaivu-Kabirielpuram-Nagar Road-Manthurai-Aangarai-Malayappapuram-Santhapettai in Trichy District till the original route in permit No.19/MB/SRM/2016 is formed and is fit for transportation.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mrs.S.Bharathi
Govt. Advocate

O R D E R

This petition has been filed, seeking to direct the respondents to permit the petitioner's mini bus bearing registration No.TN -01-J-4812 while plying from Tollgate Bus Stand to Poovalur Bus Stand via., Thalakudi-Agilandapuram-Melavaladi-Sivan Kovil-Station Valadi-Patchampettai Valaivu-Kabirielpuram-Nagar Road-Manthurai-Aangarai-Malayappapuram-Santhapettai in Trichy District till the original route in permit No.19/MB/SRM/2016 is formed and is fit for transportation.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents. Government Advocate appearing for the respondents.



3. Learned counsel for the petitioner would submit that if the bus is operated in the route allotted to the petitioner, there is a likelihood of accident occurring, taking away the life of the public and that unless permission is granted to the petitioner to ply the vehicle in the deviated route, the petitioner would be put to irreparable loss.

3.1. Learned counsel for the petitioner relied upon the judgment of this Court in the case of W.P.(MD) No.9352 of 2008 [K.Vadivel vs. The Regional Transport Authority, Srirangam, Tiruchirapalli District and another] decided on 13.11.2008, wherein this Court permitted the petitioner therein to ply the mini bus in a deviated route till the original route is formed.

4. Learned Government Advocate appearing for the respondents would contend that the scheme framed by the respondents would not permit deviation of the route for more than 4kms in the service sector and therefore, this writ petition cannot be entertained.

5. When the original route prescribed to ply the mini bus of the petitioner is not in motorable condition, which would jeopardize the passengers in the bus as well as public, this Court is of the view that the limited relief sought for by the petitioner in respect of deviation of the route till the restoration of the original route can be granted, (as already there is an order by this Court in the similar circumstances). Therefore, the respondents are directed to permit the petitioner to utilize the deviated route till the original route is restored and is made fit for transportation.

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

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To:

1. The Regional Transport Authority, Anna Nagar, Tiruchirapalli, Tiruchirapalli District.

2. The Regional Transport Officer, Sri Rangam, Tiruchirapalli, Tiruchirapalli District.

+1CC to M/S.L.Lenin Kumar, Advocate, SR.No. 55960

+1CC to the Special Government Pleader, SR.No. 56107

W.P(MD) No.17356 of 2016

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