



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.21022 of 2016

I.Ravikumar

... Petitioner

vs.

1)The District Collector,
Kanyakumari District,
At Nagercoil.

2)The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

3)The General Manger,
Tamilnadu State Transport Corporation,
Ranithottam,
Nagercoil,
Kanyakumari District.

... Respondents

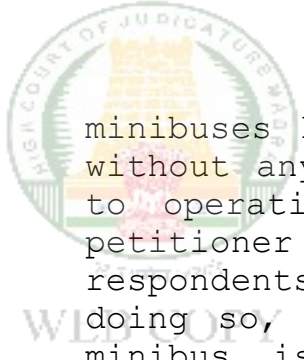
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to take necessary action as against the 3rd respondent and his men/agents and prevent the 3rd respondent and his men/agents in any way interfering with the plying of mini bus by the members of the petitioner association in their permitted route as per the permit condition by considering the representation of the petitioner dated 26.09.2016.

For Petitioner	: Mr.T.Jeen Joseph
For R1 & R2	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R3	: Mr.K.Sathiya Singh

ORDER

This Writ of Mandamus has been filed seeking for a direction to the 1st respondent, to take necessary action against the 3rd respondent and his men/agents and to prevent them from interfering with the plying of mini buses by the members of the petitioner association in their permitted routes, as per the permit conditions, by considering the representation of the petitioner dated 26.09.2016.

2.The grievance of the petitioner is that the officials of the Transport Corporation are interfering with the operation of the



minibuses belonging to the members of the petitioner association, without any authority and if they notice any violation with regard to operation of the minibuses belonging to the members of the petitioner association, it is for them to make a complaint to the respondents 1 and 2, who are the competent authorities and without doing so, the interference with the operation of the petitioner's minibus, is wholly illegal.

3.The learned counsel for the respondent corporation would submit that the officials of the corporation are not interfering with the operation of the petitioner's minibus, as they are well aware that it would result in law and order problem and whenever they notice violations by the minibuses, they used to make a complaint to the concerned transport authorities and they do not take the law in their hands.

4.Reiterating the contentions, the learned counsel for the petitioner has relied upon the order passed in similar circumstances in W.P(MD)Nos.13937 to 13945 of 2015, dated 01.10.2015, and contended that Rule 377 of Motor Vehicles Rule, 1989, empowers the Magistrate or Inspecting office of the Transport Department and Police Officers not below the rank of Head Constable to check the Motor Vehicles, and demand for production of records relating to the vehicle and therefore, the respondent corporation has no authority to directly interfere with the operation of the minibuses and if they have any grievance regarding the operation of minibuses, it is open to them to make a complaint to the Inspecting office of the Transport Department and Police Officers as stated above, to redress their grievance.

5.At this juncture, it is relevant to extract below paragraphs 4 and 5 of the abovesaid order:-

"4.Admittedly, in the present case, the Tamil Nadu State Transport Corporation, Madurai Division are not having jurisdiction to check the Motor Vehicles, and demand for productions of records relating to the vehicle. In this regard, it is relevant to extract the relevant portion of the order passed by this Court in similar and identical circumstances.

"6.There is no dispute that the petitioners were granted two mini bus permits by the statutory authority in respect of their vehicles bearing Registration Nos.TN-74-J-9679 and TN-74-G-7014 respectively. The petitioners have got a right to ply the vehicles in accordance with the permit conditions and the route prescribed therein. In case, the petitioners are operating the vehicles through a different route, the fourth respondent has got a right to bring the same to the notice of the Transport Department and Police. However, the Fourth respondent has no right to prevent the petitioners from plying the vehicles by taking law into its own hands. So long as the petitioners ply the vehicles through the



approved route, there would not be any obstruction from the respondents."

5.As the petitioners have got permits to ply their vehicles in the routes prescribed therein, in the event of violation of the permit conditions, resulting loss to the State Transport Corporation, liberty is given to the fourth respondent to bring it to the notice of the Transport Department and Police Department to take suitable action, hence, if any such representation is given by the Tamil Nadu State Transport Corporation to the respondents 1 and 2, it is for them to act on such representation in accordance with law. The Respondents 3 to 6 are hereby restrained from interfering with the vehicles belonging to the petitioners.'

6.From the orders passed on earlier occasions, it is made clear that in case of violations committed by the petitioner, the right of the State Transport Corporation to move the appropriate authority has been recognised and the Transport Department and the Police Department have also been directed to take necessary action, in case of pending complaints, by the Tamil Nadu State Transport Corporation. This is the reasonable step to be followed by all authorities concerned, which would be in terms of the statute.

7.Under such circumstances, this writ petition is disposed of directing the petitioner to strictly follow the appropriate authorities and in the event of any violation, the third respondent shall pursue legal process by approaching the respondents 1 and 2 as well as the police department. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

- 1)The District Collector, Kanyakumari District,At Nagercoil.
- 2)The Regional Transport Officer, Nagercoil,Kanyakumari District.
- 3)The General Manger,
Tamilnadu State Transport Corporation,
Ranithottam, Nagercoil, Kanyakumari District.

+1 cc to Mr.K.SATHIYA SINGH, Advocate, SR.68083
+1 cc to Mr.S.C.HEROLD SINGH, Advocate, SR.67634
+1 cc to THE SPECIAL GOVERNMENT PLEADER, SR.67475

Nbi

<https://hcservices.ecourts.gov.in/hcservices/>

SH/KM:20.12.2016:3P/7C

W.P (MD) No.21022 of 2016

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