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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.21025 of 2016
and
W.M.P(MD)No.15034 of 2016

D.Prasad ... Petitioner

vs.

1)The District Collector cum
Regional Transport Authority,
Collectorate, Trichy.

2)The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City,
Trichy District.

3)The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the 2nd and 3rd respondents from interfering or creating trouble to the operation of the petitioner's Mini Bus bearing registration No.TN.45 AQ 3827 on the route Esanaikorai to Srirangam Railway Station upto Rajagopuram Bus Stop.

For Petitioner : Mr.A.C.Asaithambi
For R1 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
For R2 & R3 : Mr.D.Sivaraman

ORDER

This Writ of Mandamus has been filed seeking to forbear the respondents 2 and 3 from interfering or creating trouble to the operation of the petitioner's Mini Bus bearing Registration No.TN.45 AQ 3827 on the route Esanaikorai to Srirangam Railway Station upto Rajagopuram Bus Stop.

2.The grievance of the petitioner is that the officials of the respondents 2 and 3/Transport Corporation are interfering with the operation of the petitioner's minibus, without any authority and if they notice any violation with regard to operation of the petitioner's minibus, it is for them to make a complaint to the 1st

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respondent, who is the competent authority 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.
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> *"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."*
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> 5.As the petitioners have got permits to ply their vehicles in the routes prescribed therein, in the event of

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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 respondents 2 and 3 shall pursue legal process by approaching the first respondent as well as the police department. No costs. Consequently, W.M.P(MD)No. 15034 of 2016 is closed.

Sd/-
Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To
1)The District Collector cum
Regional Transport Authority,Collectorate, Trichy.

2)The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City, Trichy District.

3)The General Manager,
Tamil Nadu State Transport Corporation Ltd., Trichy District.

+1 cc to Mr.A.C.ASAITHAMBI Advocate, SR.67109
+1 cc to Mr.D.SIVARAMAN, Advocate, SR.67882
+1 cc to THE SPECIAL GOVERNMENT PLEADER, SR.67476

W.P(MD)No.21025 of 2016

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