



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.06.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.9941 of 2016

S.V.S.Ramesh Kumar

.. Petitioner

Vs.

1.The Regional Transport Authority,
Pudukottai.

2.The Secretary,
Regional Transport Authority,
Pudukottai.

3.M.Shivaji

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider, dispose of the representation dated 30.01.2016 forthwith of the petitioner herein.

For Petitioner : Mr.T.Padmanabhan
For Respondents 1&2 : Mr.T.R.Janarthanam,
Additional Government Pleader.

ORDER

The petitioner/S.V.S.Ramesh Kumar seeks to issue a writ of mandamus, directing the respondent, to consider and dispose of on merits his representation, dated 30.01.2016, wherein, he sought for transfer of permit.

2.Learned counsel appearing for the petitioner would submit that the petitioner got transfer of stage carriage permit from one Muthiah Sivaji to operate the vehicle bearing Registration No.TN-55-K 5583 on the route Pudukottai to Peravurani, Kalamavoor Railway Gate (via) Alangudi. The said transfer of permit in favour of the petitioner was signed by the said Muthiah Sivajai on 12.06.2006 and 26.06.2006 before the transport authority. Thereafter, a note order was also issued on 28.06.2006 by the aforesaid authority. While so, one Mr.Nallathambi, who is a third party and is in noway connected to the transfer, objected for the transfer and in view of the said objection, the transfer hearing was adjourned on many occasions. After sometime, Mr.Muthiah Sivaji who signed the transfer permit, suddenly objected for the transfer during the last hearing. However, the genuineness of the transfer was confirmed by the Regional Transport Authority by orders dated 25.01.2007. When

the said order was challenged before the State Transport Appellate Tribunal by the said Mr.Muthiah Sivaji, by order dated 17.09.2008, the Tribunal confirmed the order passed by the Regional Transport Authority.

3. Aggrieved by the same, Mr.Muthiah Sivaji had filed a writ petition viz., W.P.No.24563 of 2008 and in the meanwhile, the petitioner had also filed W.P(MD)No.3694 of 2007. One another writ petition in W.P.No.958 of 2009 was also filed by R.Nallathambi, and this Court, by a Common Order, dated 23.02.2010, while dismissing the writ petitions filed by Mr.Muthiah Sivaji and R.Nallathambi, ordered the petitioner's writ petition in W.P(MD) No.3694 of 2007.

4. Writ Appeal Nos.547 and 548 of 2010 were filed by Mr.Muthiah Sivaji, challenging the correctness of the aforesaid order. The Hon'ble Division Bench, by judgment dated 18.10.2011, while setting aside the order of the learned single Judge, allowed the writ appeals, holding that the RTA was not right in their decision that the permit has already been transferred and, as such, the objection or the application for withdrawal of consent does not merit consideration. Further, the Hon'ble Division Bench has also held that the Appellate Tribunal has also committed the very same mistake.

5. Aggrieved by the same, having lost the case, the petitioner went before the Apex Court by filing SLP (C)Nos.6805 and 6806 of 2012 unsuccessfully. While the SLPs were dismissed, liberty was however granted to the petitioner to approach the competent authority.

6. The petitioner, having kept quite for almost two long years, moved an application by way of the representation, dated 30.01.2016. Since the said representation has not been considered so far, the petitioner has come to this Court by way of this writ petition. But this Court, in the light of the factual scenario as adverted to above, is not inclined to entertain this writ petition since the petitioner has not approached the authority within a reasonable time. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Regional Transport Authority, Pudukottai.

2. The Secretary, Regional Transport Authority, Pudukottai.

+One cc to M/s.T.Padmanabhan, Advocate, SR.No.28242

+One cc to The Special Government Pleader, SR.No.28741

sms

<https://hcservicescourts.gov.in/Services/6/2016>

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