

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.9717 and 9718 of 2017

MRK Polytechnic College,
Rep. By The Chairman,
Nattar Mangalam, Kattumannarkoil,
Cuddalore District - 608 301 ... Petitioner in WP.9717/2017

MRK Institute of Technology
Rep. By The Chairman,
Nattar Mangalam, Kattumannarkoil
Cuddalore District - 608 301 ... Petitioner in WP.9718/2017

Vs.

1. The Regional Transport Officer,
Chidambaram.
2. The Secretary,
STA cum Joint Transport Commissioner (R),
Ezhilagan, Chennai - 600 005. ... Respondents in both WPs.

W.P.No.9717 of 2017

This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Letter R.No.37727/B4/2016 dated 21.03.2017 forwarding the application of the petitioner dated 05.10.2016 for grant of extension of validity of permit in respect of the Vehicles of the Petitioner Institution bearing Registration Nos.TN-55/F-7272 and TN-51/T-5353 for the neighbouring districts viz., Thanjavur and Ariyalur and to quash the same and further direct the first respondent to grant the application of the petitioner dated 05.10.2016 as prayed for.

W.P.No.9718 of 2017

This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Letter R.No.37727/B4/2016 dated 21.03.2017 forwarding the application of the petitioner dated 05.10.2016 for grant of extension of

validity of permit in respect of the Vehicles of the Petitioner Institution bearing Registration Nos.TN-31/AW-1836, TN-51/R-7677 and TN-23/AQ-6789 for the neighbouring districts viz., Thanjavur and Ariyalur and to quash the same and further direct the first respondent to grant the application of the petitioner dated 05.10.2016 as prayed for.

For Petitioner : Mrs. Radha Gopalan
For Respondents : Mr.M. Ezumalai,
Government Advocate

C O M M O N O R D E R

Both these writ petitions are filed by the respective Educational Institutions. They are aggrieved against the order passed by the 2nd respondent dated 21.03.2017 directing the Regional Transport Officer, Chidambaram, namely, the first respondent herein to consider their application filed for extension of validity of permit to the neighbouring Districts, viz., Thanjavur and Ariyalur District.

2. Mr. Elumalai, learned Government Advocate, takes notice for the respondents and by consent, the writ petitions itself are taken up for final disposal.

3. The Petitioners are running the Educational Institutions at Kattumannarkoil, Cuddalore District. They approached the first respondent and sought for extension of validity of permit to such neighbouring District and said request was rejected by the first respondent on 26.08.2016. Challenging the said proceedings, the petitioners preferred an appeal before the second respondent on 05.10.2016. The second respondent, instead of considering the appeal filed by the petitioners, has passed the impugned order directing the first respondent to consider the request of the petitioners.

4. The learned counsel appearing for the petitioners, by inviting this Court's attention to Circular No.10 of 2002 dated 13.03.2002 issued by the State Transport Authority, Chennai-5, submitted that the first respondent cannot decide the issue of extending the validity of permit in respect of more than one neighbouring District. Thus, she submitted that the second respondent is the competent authority to decide, based on the appeal filed by the petitioners.

5. The learned counsel for the petitioners further submitted that the claim of the petitioners is supported by very many decisions made by this Court, out of which, one is dated 30.06.2015 in W.P. No.20189 of 2014.

6. The learned counsel appearing for the respondents submitted that the 2nd respondent will consider the appeal filed by the petitioners and pass orders of the same on merits and in accordance with law.

7. It is seen that the petitioners request for extension of validity of permit to the neighbouring Districts was already rejected by the first respondent on 26.08.2016. It is further seen that the petitioners have challenged such proceedings before the second respondent by way of their appeal dated 05.10.2016. The impugned order referred to the said appeal filed by the petitioners as well. However, the second respondent, instead of deciding the appeal by himself, has erroneously directed the first respondent to consider the request of the petitioner by passing the impugned order. Therefore, as rightly contended by the learned counsel for the petitioners and by considering the Circular No.10 of 2002 dated 13.03.2002, I am of the view that the 2nd respondent has to consider the appeal filed by the petitioners and pass orders on the same on merits and in accordance with law, also by taking note of the supportive decisions in favour of the petitioners. Accordingly, both the writ petitions are allowed and the impugned communications of the second respondent are set aside. Consequently, the matter is remitted back to the second respondent for taking up the appeal filed by the petitioners dated 05.10.2016 once again and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioners. Such exercise shall be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi/rkp

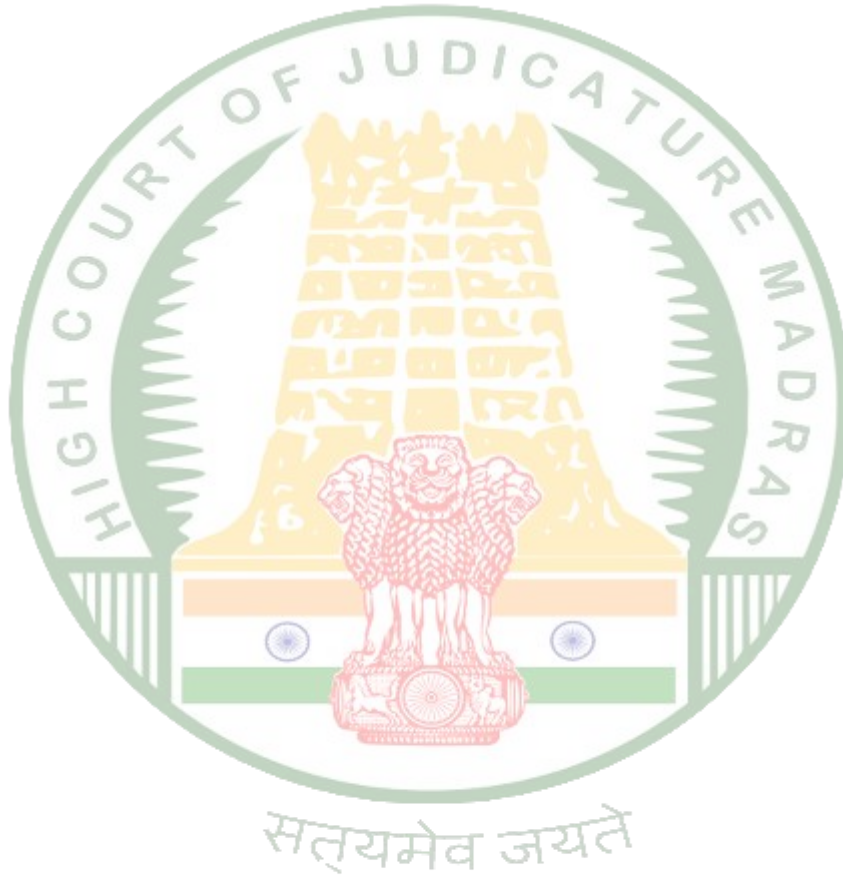
To

1. The Regional Transport Officer,
Chidambaram.
 2. The Secretary,
STA cum Joint Transpor Commissioner (R),
Ezhilagan, Chennai - 600 005.
- +2cc to Mr.S. Radha Gopalan, Advocate Sr. 24420,24421
dt. 25/4/2017

W.P.Nos.9717 and 9718 of 2017

KS (CO)

VR (24/4/2017)



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