

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.04.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.7799 of 2017

K.S. Rangasamy College of Arts and Science
Rep. By its President, K.S. Rangasamy
Thokkavadi Post, Tiruchengode,
Namakkal District

... Petitioner

vs.

1. The Secretary,
Regional Transport Authority,
Tiruchengode, Namakkal District.

2. The Transport Commissioner,
Chepauk, Chennai-5

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent herein to entertain the Petitioner's returned Application dated Nil.10.2016 and pass orders for the grant of extension of validity of permit to ply the petitioner's bus TN-34/T-1779 in Salem District in terms of Rule 153 & 155 of Tamil Nadu Motor Vehicles Rules, 1989, forthwith.

For Petitioner : Mr.K.Hariharan.

For Respondents : Mr.M.Elumalai,
Government Advocate.

ORDER

This writ petition is filed seeking for a Mandamus directing the 2nd respondent to entertain the petitioner's return application dated Nil.10.2016 and pass orders for granting extension of validity of permit to ply the petitioner's bus TN-34/T-1779 in Salem District in terms of Rule 153 & 155 of Tamil Nadu Motor Vehicles Rules 1989, forthwith.

2. Mr.M.Elumalai, learned Government Advocate takes notice for the respondents.

3. Heard Mr.K.Hariharan learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate appearing for the respondents.

4. The petitioner is an Educational Institution. Permit was issued to the petitioner to ply the subject matter bus in Namakkal District and the extension permit was granted to ply the same in Erode District as well. The petitioner made an application dated Nil in the month of October 2016 seeking for further extension of the permit to ply the vehicle in Salem District as well since some of the students are coming to the College from the said District also. The request of the petitioner was taken into consideration by the 2nd respondent and an order was passed on 30.11.2016 directing the petitioner to obtain temporary permit under Section 87(1) of the Motor Vehicles Act, 1988, wherever need arises and thereby, returning the permit along with the application filed by the petitioner seeking for second extension of permit to Salem District. The 2nd respondent has also stated some reason for not considering the request of second extension.

5. Though the learned counsel for the petitioner submits that such reason is not sustainable, the fact remains that the present writ petition is filed only for mandamus without challenging the said order dated 30.11.2016. Therefore, I am of the view that the petitioner has to only challenge the said order dated 30.11.2016 passed by the 2nd respondent before the appropriate appellate authority in the manner known to law. Without doing so, the present writ petition, with the relief as stated supra, cannot be maintained. Therefore, this writ petition is disposed of with liberty to the petitioner to challenge the said order dated 30.11.2016 before the appropriate Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, it is open to the said authority to consider the same on its own merits and in accordance with law and pass appropriate orders without loss of further time. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vsi

1. The Secretary,
Regional Transport Authority,
Tiruchengode, Namakkal District.

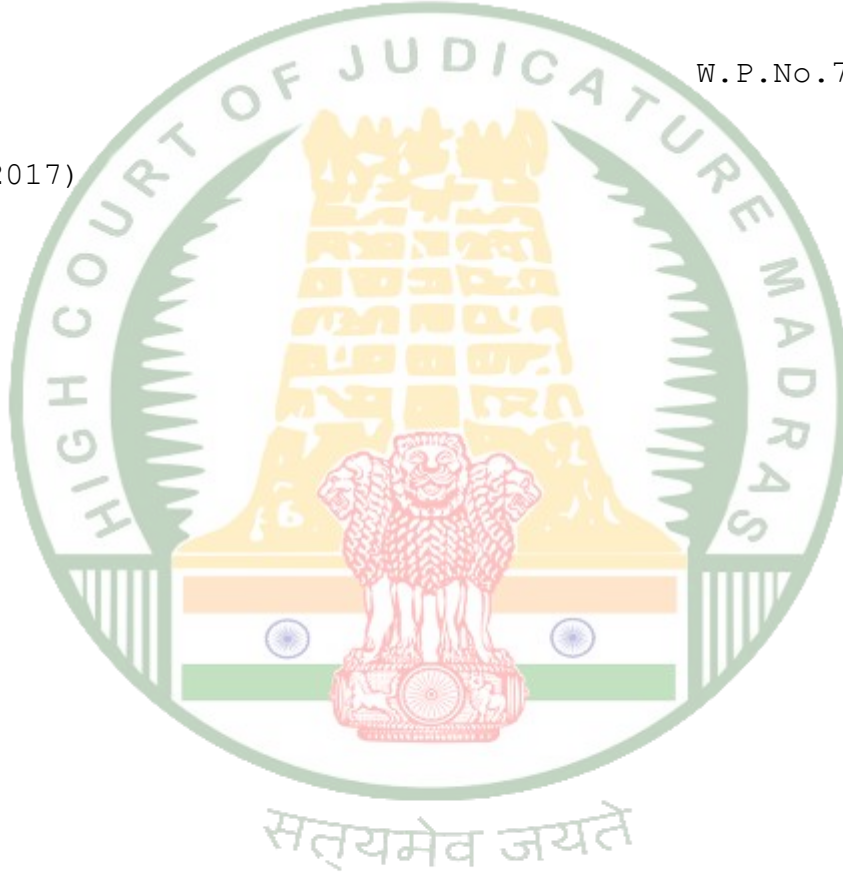
2. The Transport Commissioner,
Chepauk, Chennai-5.

+1cc to the Government Pleader, Sr. 20573

+1cc to K. Hariharan, Advocate Sr. 19950

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NR(CO)
VR(18/04/2017)



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