

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.21972 of 2013 and
M.P.No.1 of 2013

Tamil Nadu Omni Bus Owners Association
rep. by its President Mr.Afsal,
Egmore, Chennai-8. ... Petitioner

...vs...

The State Transport Authority,
Chepauk, Chennai-5. ... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to forthwith take action against the permits issued by the State Transport Authority, Nagaland and Orissa, violating the conditions of Central Motor Vehicles Rules as well as the conditions of permit, pursuant to the representation of the petitioner dated 28.06.2013 and 19.07.2013.

For Petitioner : Ms.Radha Gopalan

For Respondent : Mr.S.Diwakar,
Special Government Pleader

ORDER

The Writ Petitioner has filed the present writ petition with a limited prayer of Writ of Mandamus to direct the respondent to forthwith take action against the permits issued by the State Transport Authority, Nagaland and Orissa, violating the conditions of Central Motor Vehicles Rules as well as the conditions of permit, pursuant to the representations of the petitioner dated 28.06.2013 and 19.07.2013.

2. In response to the above writ petition, the respondent has filed a detailed counter affidavit. In para 8 of the counter affidavit, the respondent has stated as follows:

"...On receiving the representation, the Zonal Officers of Chennai, viz., Joint Transport Commissioners, Chennai (North) and (South) and Regional

Transport Officers (Enforcement) of these zones were instructed to conduct the special checking on the vehicles listed on the representation with regards to the Tax, Fitness Certificate, Permit and Driving Licence of the Driver etc., and to report immediately vide this Office Letter R.No.35323/H3/2012 dated 04.07.2013 (copy enclosed) and accordingly, checking on these vehicles were also conducted and the enforcement wing of this department has furnished the list of tax details (copy enclosed) for the alleged Nagaland and Odissa Omni buses which were paid at the respective border check posts of Tamil Nadu State at the time of entering into the State of Tamil Nadu which is the one of the conditions stated in rule 85 of Central Motor Vehicles Rules. As such action on the representation was taken with immediate effect.....''

3. In view of the counter affidavit filed by the respondent, the prayer in the writ petition, taking action for the representations of the petitioner dated 28.06.2013 and 19.07.2013 have been enquired and submitted a report. The said fact was also stated in the aforesaid counter affidavit filed by the respondent.

4. In the light of the statement made by the respondent in the counter affidavit, the Writ Petition is dismissed, however, it is open to the petitioner to make a representation to the concerned authority, if any violation of law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

The State Transport Authority,
Chepauk, Chennai-5.

+1cc to Mr.S.Radha Gopalan, Advocate sr.46
+1cc to the Government Pleader Sr.435

W.P.No.21972 of 2013

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srg 31/01/2017