

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.01.2017**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.Nos.12346, 12347, 17194 and 17195 of 2003

&

WPMP Nos.15508, 15509, 21506 to 21509 of 2003

W.P.No.12346 of 2003:

V.Chitra Vijayakumar .. Petitioner

Vs.

1. The State Transport Appellate Tribunal
High Court building
Chennai 600 104
2. The Regional Transport Authority
Tiruchirapalli District
Tiruchirapalli
3. S.N.Vengusamy .. Respondents

W.P.No.12347 of 2003:

V.Chitra Vijayakumar .. Petitioner

Vs.

1. The Regional Transport Authority
Tiruchirapalli District
Tiruchirapalli
2. S.N.Vengusamy .. Respondents

W.P.No.17194 of 2003:

V.Umarani .. Petitioner

Vs.

1. The State Transport Appellate Tribunal
High Court building
Chennai 600 104
2. The Regional Transport Authority

Tiruchirapalli District
 Tiruchirapalli
 3. S.N.Vengusamy .. Respondents

W.P.No.17195 of 2003:
 V.Umarani .. Petitioner

Vs.

1. The Regional Transport Authority
 Tiruchirapalli District
 Tiruchirapalli
 2. S.N.Vengusamy .. Respondents

Prayer in W.P.No.12346/2003: Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent made in R.P.No.103 of 2001 dated 29.11.2002 in granting the mini bus permit in favour of the 3rd respondent to ply on the modified route Manapparai Bus Stand to Solapatti and quash the same.

Prayer in W.P.No.12347/2003: Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent made in R.No.92208/A4/2000 dated 4.3.2003 granting the mini bus permit in favour of the 2nd respondent to ply on the modified route Manapparai Bus Stand to Solapatti and quash the same.

Prayer in W.P.No.17194/2003: Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent made in R.P.No.103 of 2001 dated 29.11.2002 in granting the mini bus permit in favour of the 3rd respondent to ply on the modified route Manapparai Bus Stand to Solapatti and quash the same.

Prayer in W.P.No.17195/2003: Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent made in R.No.92208/A4/2000 dated 5.3.2003 granting the mini bus permit in

favour of the 2nd respondent to ply on the modified route Manapparai Bus Stand to Solapatti and quash the same.

For Petitioner
in all W.Ps. .. Mr.M.Palani

For Respondents
1 & 2 in W.P.Nos.
12346 & 17194/2003 and
for respondent No.1
in W.P.Nos.12347 &
17195/2003 .. Mr.P.Gunasekaran,
Special Government Pleader

For Respondent 3
in W.P.Nos.
12346 & 17194/2003 and
for respondent No.2
in W.P.Nos.12347 &
17195/2003 .. Mrs.Radha Gopalan

COMMON ORDER

For the sake of convenience, the parties would be referred to by their name.

2. Vengusamy, who was a new applicant approached the Regional Transport Authority for grant of Mini Stage Carriage Permit for operating a bus, between Manapparai in Trichy District and Kodumbalur Chatram in Pudukottai District, which was granted by the Regional Transport Authority, Trichy.

3. Aggrieved by the grant, Chitra Vijayakumar, the existing

operator, filed R.P.No.103 of 2001 before the State Transport Appellate Tribunal, challenging the grant of Stage Carriage Permit to Vengusamy. The State Transport Appellate Tribunal modified the order of the Regional Transport Authority by holding that the Regional Transport Authority has no authority to grant route permit inter-district and therefore the permission was limited within Trichy District, thereby permitting Vengusamy to operate the vehicle between Manaparai bus stand and Solapatti in Trichy District. Pursuant to this order, the Regional Transport Authority granted a fresh permit to Vengusamy between Manaparai bus stand and Solapatti. Aggrieved by this grant, Chitra Vijayakumar has filed Writ Petition No.12346 of 2013 challenging the State Transport Appellate Tribunal's order and Writ Petition No.12347 of 2013 challenging the Regional Transport Authority's order, granting permission for the modified route. Umarani, another existing Operator, has filed two writ petitions before this Court challenging the State Transport Appellate Tribunal's order and the Regional Transport Authority's order vide W.P.Nos.17195 and 17196 of 2003.

4. Heard Mr.Palani, learned counsel for Chitra Vijayakumar and Umarani, Mrs.Radha Gopalan, learned counsel for Vengusamy and

Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the Regional Transport Authority.

5. It is contended by Mrs.Radha Gopalan that pursuant to the stay granted by this Court in the year 2003, Venguswamy has not been operating even in the modified route for the last 16 years and further he is also not interested in pursuing the same.

6. In the light of the above, these writ petitions are allowed and the orders passed by the State Transport Appellate Tribunal and the Regional Transport Authority are set aside. However, liberty is given to Vengusamy, if he so desires, to apply for fresh permit in accordance with law. No costs. The connected Miscellaneous Petitions are closed.

06.01.2017

Index: Yes/No
ajr

P.N.PRAKASH, J.

ajr

W.P.Nos.12346, 12347,
17194 and 17195 of 2003

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