

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.41515 of 2016  
and  
W.M.P.No.35499 of 2016

Mrs.Rathnamma

...Petitioner

Vs.

1.The State Transport Authority  
Ezhilagam  
Chepuak, Chennai-600 005.

2.The Regional Transport Officer - cum - Asst. Secretary  
to the State Transport Authority  
Chepauk, Chennai at Hosur 635 110.

...Respondents

Prayer:

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent in his Proceedings R.42835/A4/2016, dated 18.11.2016, quash the same and consequently direct the 2nd respondent to grant the replacement of latest model vehicle bearing Registration TN-34-L-3557, by replacing the old vehicle bearing Registration TN-29-W-9225.

For Petitioner : Mr.M.Krishnappan, Senior Counsel  
for Mr. K. Venkatesan  
for Mr.K.Venkatesh

For Respondents: Mr.K.Venkatesh  
Government Advocate

O R D E R

This writ petition is filed, challenging the order of the second respondent dated 18.11.2016, wherein and whereby, the request of the petitioner for replacement of Stage carriages in respect of the bus bearing Registration No. TN-29-W-9225, by another bus bearing Registration No. TN-34-L-3557 was rejected on the reason, that the request of the petitioner cannot be complied with, in the absence of any temporary permit granted to the petitioner in respect of the vehicle that is sought to be replaced.

2. Since this Court has disposed of connected Writ Petition No.1293 of 2017, by directing the State Transport Authority cum Transport Commissioner, Chennai to consider the application of the very same petitioner dated 18.11.2016 seeking for a temporary permit and pass orders on the same, on its own merits and in accordance with law, it is not necessary for this Court to go into the merits of the orders passed by the second respondent in this writ petition, as it is always open to the petitioner to work out his remedy before the second respondent, after an order is passed by the State Transport Authority cum Transport Commissioner, Chennai, in the application filed by the petitioner seeking for temporary permit as stated supra.

3. Accordingly, this writ petition is disposed of, by granting liberty to the petitioner to work out his remedy before the second respondent after an order is passed in the renewal application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

mk

To

1.The State Transport Authority  
Ezhilagam  
Chepuak, Chennai-600 005.

2.The Regional Transport Officer - cum - Asst. Secretary  
to the State Transport Authority  
Chepauk, Chennai at Hosur 635 110.

+1cc to Mr.K. Venkatesan, Advocate Sr. 19572

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W.P.Nos.41515 of 2016

RJ(CO)  
VR(05/04/2017)