

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2017

CORAM

THE HON'BLE Mr. JUSTICE P.N.PRAKASH

W.P.No.13410 of 2003

1. Sri.A.M.Ponnuranga Mudaliar (Died)
Prop Sri Bharathi Motor Service,
Sholinghur P.O.,
Vellore N.A.A.District.
2. A.P.Gopikrishna
Prop Sri Bharathi Motor Service,
No.72, Subba Rao Street,
Sholingur, Vellore District. Petitioner

(2nd petitioner substituted in the place of the deceased 1st petitioner vide order dated 27.08.2007 made in W.P.M.P.No.1942 of 2007 in W.P.No.13410 of 2003)

Vs.

1. The State Transport Appellate Tribunal,
High Court Buildings,
Chennai - 600 104.
2. The Regional Transport Authority,
V.R.P. District at Villupuram. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records relating to the order of the State Transport Appellate Tribunal, Chennai in Appeal No.147 of 1999/A5 dated 07.10.2002 and quash the same.

For Petitioner : Ms.P.Vedavallee
For Respondents : Mr.S.Pattabiraman,
Government Advocate

O R D E R

The learned counsel for the petitioner submitted that the matter is covered by the decision of the Constitution Bench of the Hon'ble Supreme Court reported in AIR 2016 Supreme Court 3469 [G.T.Venkataswamy Reddy vs. State Transport Authority and others].

2.The learned Government Advocate also submitted that this matter is covered by the decision of the Constitution Bench cited above and therefore, the writ petition cannot be maintained.

3.However, it is seen that a Division Bench of this Court reported in (2003) 4 CTC 12 [R.Srinivasan Vs. State of Tamil Nadu, rep by Secretary, Home Department, Fort St. George, Chennai-9 and another] has declared that the Tamil Nadu Motor Vehicles (Special Provisions) (Cancellation of Variation of Conditions of permit) Act, 1996 (Act 19 of 1996) as unconstitutional.

4.In view of the judgment of the Division Bench, the earlier Act 41 of 1992 revived and the petitioners before the Division Bench were granted the following reliefs:

"....

17.In view the above discussions, we declare the Tamil Nadu Motor Vehicles (Special Provisions) (Cancellation of Variation of Conditions of permit) Act, 1996 is unconstitutional, ultra vires and void. Consequently, there will be a direction to the Regional Transport Authority concerned to permit each of the petitioners to operate their stage carriage services on the respective varied routes as per the earlier orders passed pursuant to Act 41 of 1992. Accordingly, all the writ petitions are allowed and the relief prayed for in each of the writ petition is granted. No costs. Consequently, all the connected W.P.M.Ps are closed."

5.In the opinion of this Court, the petitioner will also be entitled to the relief that was granted by the Division Bench in R.Srinivasan Vs. State of Tamil Nadu, rep by Secretary, Home Department, Fort St. George, Chennai-9 and another reported in (2003) 4 CTC 12 referred to above.

6.In the result, the writ petition is dismissed, with liberty to the writ petitioner to work out the remedy before the authorities in terms of Act 41 of 1992. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

va

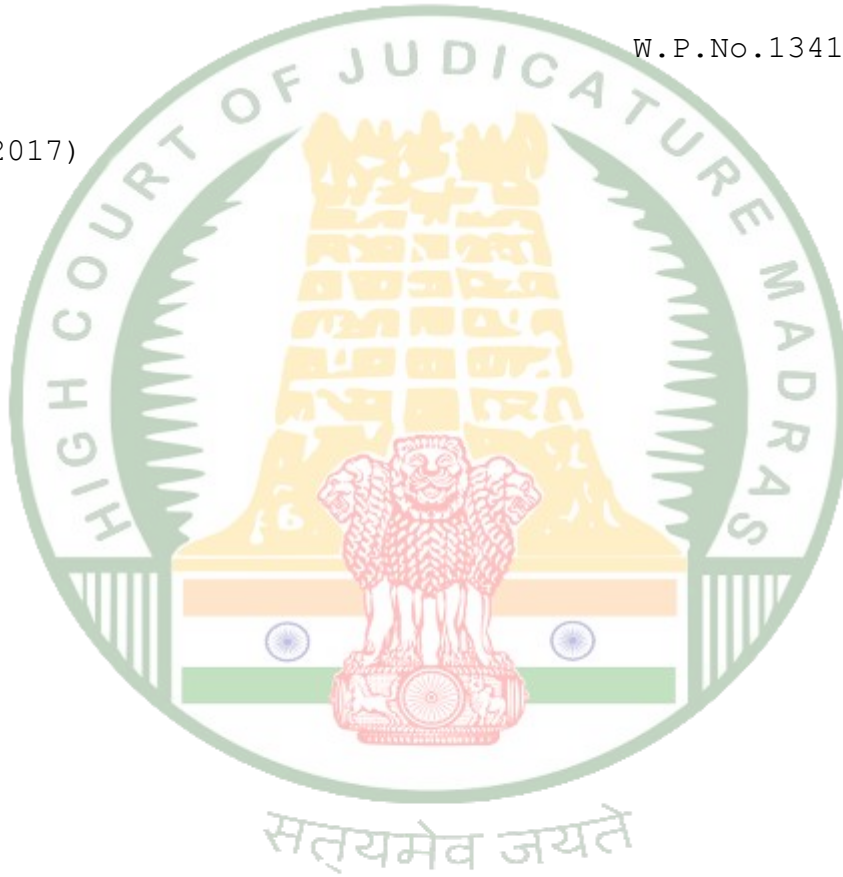
To

1. The State Transport Appellate Tribunal,
High Court Buildings,
Chennai - 600 104.
2. The Regional Transport Authority,
V.R.P. District at Villupuram.

+1cc to the Government Pleader, S.R.No.4909

W.P.No.13410 of 2003

RJ(CO)
CA(10/02/2017)



WEB COPY