

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. No. 19331 of 2003

&

W.M.P. No. 24144 of 2003

The Managing Director,
Tamil Nadu State Transport
Corporation
(Salem Division II) Ltd.,
Bharathipuram,
Dharmapuri.

..Petitioner

Vs.

1. Thiru M. Ganesan

2. The Joint Commissioner of
Transport and Secretary,
Karnataka State Transport Authority,
Bangalore.

3. State Transport Authority,
Chepauk, Chennai - 5.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Certiorari to call for the
records of the 2nd respondent vide proceedings in Sl. No. 30
Subject No. 69/2001 dated 09.10.2001 and quash the same.

For Petitioner :: Mr.R.K. Gandhi

For Respondents :: Mr.M. Palani for R1

ORDER

One M. Ganesan, the first respondent herein, is a Transport
Operator based in Karnataka. He was holding a Stage Carriage
Route Permit for operating a bus from Bangalore to Morappur in
Tamil Nadu, which is an Inter State route. He filed an
application dated 19.01.2000 to the State Transport Authority,
Karnataka, for curtailment and deviation of the route.
Originally, the bus was permitted to ply via Chandapura,

Anekkal, Poonapalli, Mathigere, Kelamangala, Rayakota, Palacode and Dharmapuri and he sought variation of permit conditions by way of curtailment of route from Chandapura to Mathigere Koot Road via Anekkal (State Border), Poonapalli and deviation of the route from Chandapura to Mathigere Koot Road via Attibele (State Border), and Hosur. This deviation appears to have been allowed by the State Transport Authority, Karnataka, by order dated 09.10.2001, challenging which, the Managing Director of Tamil Nadu State Transport Corporation, has filed the present writ petition before this Court.

2. Heard Mr.R.K. Gandhi, learned counsel for the petitioner and Mr.M. Palani, learned counsel for the 1st respondent.

3. At the outset, this writ petition is not maintainable for the simple reason that against the order dated 09.10.2001 passed by the State Transport Authority, Karnataka, permitting deviation of the route, the writ petitioner would have to file a revision petition before the State Transport Appellate Tribunal, Karnataka, within 30 days thereof, which means that the period of limitation had expired, as early as on 09.11.2001 and thereafter, in the year 2003 only, the present writ petition has been filed in the Madras High Court.

4. Under Section 88(1) of Motor Vehicles Act, 1988, Inter State permit granted by the State Transport Authority of one State has to be counter-signed by the State Transport Authority of the other State. In this case, the permit holder is plying a Karnataka Registration bus and therefore, he was originally granted an Inter State permit by the State Transport Authority, Karnataka with the counter-signature of the State Transport Authority, Tamil Nadu. As regards the deviation, that has been allowed by the impugned order dated 09.10.2001, Mr. Palani fairly stated that the State Transport Authority, Tamil Nadu, has not counter-signed it, as required under Section 88(1) of the aforesaid Act, till date. Therefore, even without approaching the State Transport Appellate Tribunal in Karnataka, the writ petitioner has achieved his purpose. Hence, nothing survives in the writ petition and it is accordingly dismissed. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

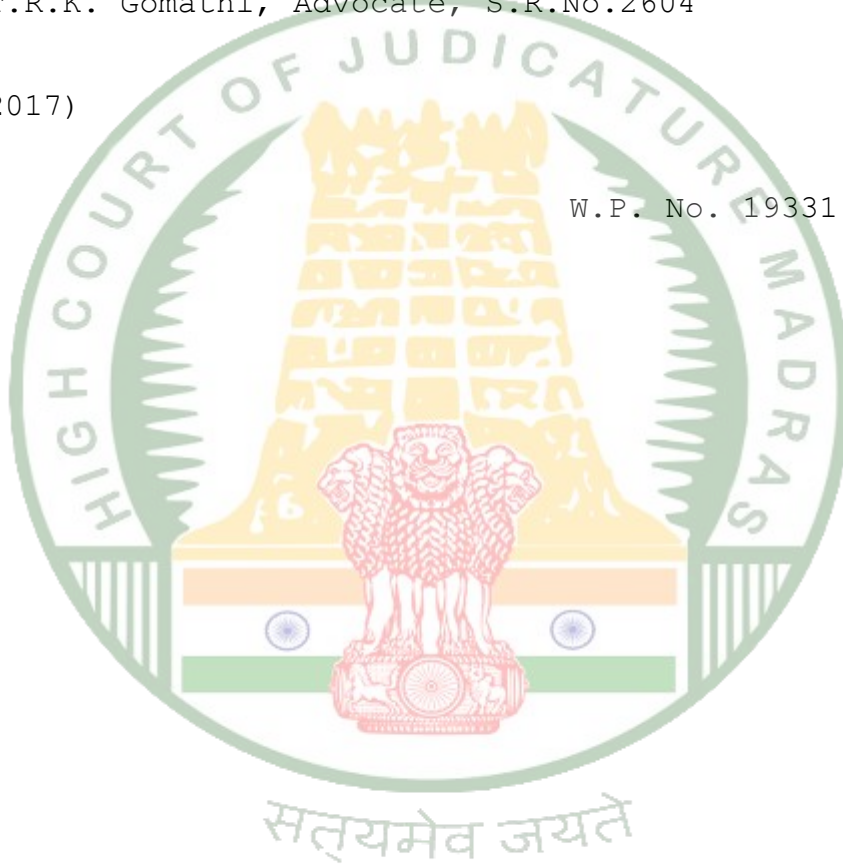
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To

1. The Joint Commissioner of
Transport and Secretary,
Karnataka State Transport Authority,
Bangalore.
2. State Transport Authority,
Chepauk, Chennai - 5.

+lcc to Mr.M. Palani, Advocate, S.R.No.2672
+lcc to Mr.R.K. Gomathi, Advocate, S.R.No.2604

lrs(CO)
md(06/02/2017)

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