



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **10.05.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

and

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A(MD)No.528 of 2017

and

C.M.P(MD)Nos.4491 & 4492 of 2017

Selvan. Minor M.Athipathi

(Represented by Father & Guardian)

M.Maruthupandian.

.. Appellant/Petitioner

Vs.

1.The District Collector cum Regional Transport Authority,
Dindigul District, Dindigul.

2.The Regional Transport Officer,
Office of the Regional Transport Office,
Dindigul, Dindigul District.

3.The Regional Transport Officer,
Office of the Regional Transport Office,
Madurai (North), Madurai.

4.G.Manavalan

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 20.04.2017 passed in W.P(MD)No.20625 of 2016 by the learned Single Judge.

Prayer in WP(MD) . 20625/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to permit the Petitioner stage carriage bearing Registration No. TN 59 BW 4145 on the diverted route from Madurai to Dindigul (Via), Samayanallur, Nagari, Vadipatti, Pallapatti Cross to reach Dindigul instead of Sholavandan, Karattupatti till the construction of fly over bridge is completed at Sholavandan Railway Level Crossing.

For Appellant

<https://hcservices.ecourts.gov.in/hcservices/>

: Mr.Veera Kathiravan,

Senior Counsel for Mr.A.C.Asaitambi



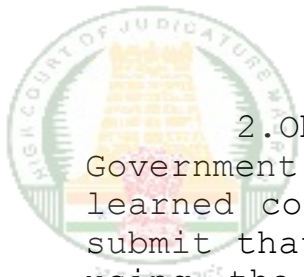
For Respondents 1 to 3: Mr.V.Muruganandam,
Additional Government Pleader.
For Respondent No.4 : Mr.T.Padmanabhan

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J U D G M E N T

[Judgment of the Court was delivered by **T.RAJA, J.**]

The Present Writ Appeal has been directed against the impugned order passed by the learned Single Judge in W.P (MD)No.20625 of 2016, dated 20.04.2017, on the ground that when the petitioner was granted permit to operate his stage carriage bearing Registration No.TN-59-BW-4145 on the route from Madurai to Dindigul (Via) Sholavandan, Karattupatti, Pallapatti Cross, Kodai Road and Gandhigram and then finally Dindigul, due to construction of bridge work between Nagari to Sholavandan, the appellant/petitioner moved an application before the District Collector cum Regional Transport Authority, Dindigul, seeking diversion, namely, to go via Nagari, Vadipatti, Pallapatti to Dindigul. When the District Collector cum Regional Transport Authority, Dindigul has permitted all other stage carriage permit holder to go from Madurai to Dindigul using Nagari, Vadipatti and Pallapatti Cross, surprisingly granted a different route to the appellant/petitioner alone and deviate from Nagari to Pallapatti Cross (via) Nedungulam Railway Gate (Manned level crossing) at the point on Nagari to Vadipatti Road, Nedungulam Cross at Thatchampattu Road, Sholavandhan Police Station Road, Sholavandhan Bus Stand, Karattupatti, Pallapatti Cross and to proceed towards Dindigul on its permitted route (via) Kodai Road, Gandhigram and also to take the same route when proceeding from Dindigul to Madurai. In the mean while, as the petitioner's application pending on the file of the first respondent, was not considered, seeking interim relief, the petitioner came to this Court with a writ petition in W.P.(MD)No.20625 of 2016. This Court, while entertaining the said writ petition, considering the request of the petitioner, granted an order of interim injunction on 26.10.2016, permitting the appellant/petitioner to ply through Nagari, Vadipatti, Pallapatti Cross, Kodai Road, Gandhigram to reach Dindigul. While, the appellant/petitioner was plying on the strength of the interim order granted on 26.10.2016, on the pending application the first respondent has passed the order dated 29.12.2016 giving a different route. As a result, the appellant/petitioner has been put to grave problem, it is pleaded. Now, as against the order dated 29.12.2016, an appeal has been filed before State Transport Appellate Tribunal, Chennai in Appeal No.5 of 2017. During the pendency of the appeal, the appellant/petitioner may be allowed to ply his vehicle from Madurai, Samayanallur, Nagari, Vadipatti and Pallapatti Cross like others stage carriage permit holder, which will not cause any



2.Objecting the above prayer, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent jointly would submit that when the appellant/petitioner was given the benefit of using the route via., Nagari, Vadipatti and Pallapatti Cross, during the pendency of his application on the file of the first respondent, he cannot be allowed to enjoy the same benefit of the interim order dated 26.10.2016, when the first respondent has already passed final order dated 29.12.2016. Secondly, as against the said order, he has also preferred an appeal before the State Transport Appellate Tribunal, Chennai. Hence this Writ Petition is not maintainable.

3.We also find full merits on the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent. The reason is that when the appellant/petitioner has already preferred an appeal against the order passed by the District Collector cum Regional Transport Authority, Dindigul, dated 29.12.2016, he cannot come to this Court for the same relief. Therefore, the learned Single Judge has rightly rejected the request. Hence, we do not find any infirmity in the order passed by the learned Single Judge. Therefore, the writ appeal fails and accordingly the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd /-

ASSISTANT REGISTRAR/VACATION OFFICER

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The District Collector cum Regional Transport Authority, Dindigul District, Dindigul.
- 2.The Regional Transport Officer, Office of the Regional Transport Office, Dindigul, Dindigul District.
- 3.The Regional Transport Officer, Office of the Regional Transport Office, Madurai (North), Madurai.

+1 CC TO MR.A.C.ASAITHAMBI, ADVOCATE, SR NO.56237

+1 CC TO MR.T.PADMANABHAN, ADVOCATE, SR NO.56389

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.56296

sss/ia/smn

MAS/MR/SAR4:15.05.2017:3P-7C

JUDGMENT MADE IN
W.A (MD) No.528 of 2017
and

C.M.P (MD) Nos.4491 & 4492 of 2017
10.05.2017