



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

CORAM:

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.1473 of 2017

S.Sivakamasundari

... Petitioner

-vs-

1. The District Collector (cum)
The Regional Transport Authority,
Collector Office, Dindigul.
2. The District Collector (cum)
The Regional Transport Authority,
Collector Office, Madurai.
3. The Secretary,
Regional Transport Authority,
Regional Transport Office,
Dindigul.
4. The Secretary,
Regional Transport Authority,
Regional Transport Office,
Madurai.
5. The Motor Vehicle Inspector,
Unit Office, Vadipatti,
Madurai.
6. The Motor Vehicle Inspector,
Unit Office, Batlagundu,
Dindigul.
7. Selvan Minor M.Athipathi
(Rep. by Father and Guardian)
M.Maruthupandian,
S/o.Mani @ Muthaiah,
No.10/24, Sivan Koil Street,
Sholavanthan, Vadipatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to provide a proper opportunity to the petitioner to raise the petitioners valid objection regarding the violations of permit conditions during the procedure of renewal of permit of the 7th respondent based on the petitioner's representation dated 06/01/2017 and take appropriate action U/S 86(1)(b) of Motor Vehicle Act 1988.



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For Petitioner : Mr.R.Murugaboopathy
For R1 to R6 : Mr.A.K.Baskara Pandian
Spl. Govt. Pleader
For R7 : Mr.A.C.Asaitambi

O R D E R

This writ petition has been filed, seeking to direct the 1st respondent to provide a proper opportunity to the petitioner to raise her valid objection regarding the violations of permit conditions during the procedure of renewal of permit of the 7th respondent based on the petitioner's representation dated 06/01/2017 and take appropriate action U/S 86(1)(b) of Motor Vehicle Act 1988.

2. The case of the petitioner is that she gave a representation dated 06.01.2016 with regard to the illegal operation and violation of the permit conditions by one stage carriage operator "Maruthu Transport" / represented by the 7th respondent; that though the said carriage operator has a valid permit from Madurai to Dindigul via Samayanallur, Nagari, Karattupatti, Pandiarajapuram Cross, Kodai Road and Dindigul upto 03.02.2017, but to the contrary, the 7th respondent is illegally operating his bus in the route allotted to the petitioner, viz., Madurai to Dindigul via Samayanallur, Vadipatti, Kodai Road and Dindigul route and that since the representation given by the petitioner did not evoke any response, the petitioner is before this Court, seeking the relief stated supra.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader Advocate appearing for the respondents 1 to 6 and the learned counsel for the 7th respondent.

4. Learned Special Government Pleader would submit that the 1st respondent is prepared to consider the representation of the petitioner and to pass suitable orders on the same.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to provide a proper opportunity to the petitioner to raise her valid objection during renewal of permit of the 7th respondent on the basis of the petitioner's representation dated 06/01/2017 and to take a decision thereon on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. This Court makes it very clear that any decision taken will be without prejudice to the rights of both parties and will also be subject to the outcome of the result in the pending writ petitions in W.P.(MD) Nos.20625 and 21757 of 2016.

6. With the above direction, this Writ Petition is disposed of. No costs.



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To:

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6. The Motor Vehicle Inspector,
Unit Office, Batlagundu,
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W.P.(MD) No.1473 of 2017

1cc to MR. R. MURUGABOOPATHY, ADVOCATE SR: 5144

1CC TO THE SPL GOVT PLEADER SR: 5343

+1CC to M/S.A.C.Asaitambi, Advocate, SR.No. 5557

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