



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH**

W.P. (MD) No.8802 of 2017  
and  
W.M.P (MD) .No.6762 of 2017

S.Rajendra Prasad

... Petitioner

**Vs.**

1. The Regional Transport Authority,  
Nagercoil,  
Kanyakumari District.
2. The Superintendent of Police,  
Nagercoil,  
Kanyakumari District.
3. The Inspector of Police,  
Kottar Police Station,  
Nagercoil, Kanyakumar District.
4. Mr.Jerolin Lispensingh,  
Assistant Manager, (Squad),  
Tamilnadu State Transport Corporation,  
(Madurai-III) Limited,  
Ranithottam, Nagercoil,  
Kanyakumari District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of of Mandamus directing the second and third respondents to take necessary action against the fourth respondent as per the petitioner's representation dated 25.04.2017.

For Petitioner : Mr.H.Velavadhas  
For R1 to R3 : Mr.T.S.Mohammed Mohideen  
Additional Government Pleader

For R4 : Mr.B.Pugalendhi  
Additional Advocate General  
for Mr.K.Sathiya Singh

**ORDER**

The writ petition has been filed for a writ of Mandamus directing the second and third respondents to take necessary action against the fourth respondent as per the petitioner's representation, dated 25.04.2017.

2. The petitioner is a Mini Bus Operator and is said to be holding a permit for the route C.T.M.Puram to Nagercoil Anna Bus Stand in respect of Vehicle No.TN-21-AX-2799 which is said to be valid up to 02.06.2018. The petitioner has filed the present writ petition on 03.05.2017 before this Court alleging that the fourth respondent is unnecessarily detaining the petitioner's bus against the Rules and causing financial loss to the petitioner. Therefore, the petitioner has filed this Writ Petition for the above relief.

3. Heard Mr.H.Velavadhas, learned counsel appearing for the petitioner, Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.B.Pugalendhi, learned Additional Advocate General appearing for Mr.K.Sathiyasingh. On the directions of this Court, the fourth respondent Jerolin Lisingh is present.

4. Mr.B.Pugalendhi, learned Additional Advocate General submitted that the Mini Bus permit was given to the petitioner only to operate in an un-served sector and remote places where the Buses of T.N.S.T.C. do not normally ply. After having acquired such a permit, the petitioner was found operating in violation of the permit and taking the passengers, who would otherwise normally go by T.N.S.T.C. Buses.

5. On finding the dip in the revenue of T.N.S.T.C., the fourth respondent, who is the Assistant Manager (Squad), Tamil Nadu State Transport Corporation took up enquiry and observed that the petitioner was operating the bus in the T.N.S.T.C. routes and therefore, he had lodged a complaint to the Regional Transport Office to seize the bus of the petitioner. In order to frustrate the efforts of the fourth respondent, the present Writ Petition has been filed.

6. Mr.H.Velavadhas, learned counsel appearing for the petitioner submitted that the said bus has been seized by the fourth respondent and is kept in the Regional Transport Office, on 04.05.2017 and the same is not operational on account of the high-handedness of the fourth respondent. This is strongly refuted by the fourth respondent and also Mr.Bala, Assistant, Regional Transport Office. On instructions from Mr.Bala, Assistant, Regional Transport Office, Nagercoil, the learned Additional Government Pleader submitted that the petitioner's Bus has not been seized and it is very much plying in Nagercoil. Thus, it is seen that the petitioner, in order to protect himself from prosecution for his misdeeds has filed the present Writ Petition making baseless allegations against



the fourth respondent and officials of the R.T.O.

7. The learned Additional Government Pleader submitted that the petitioner had given a complaint against the fourth respondent to the police on which a petitioner enquiry was conducted in C.S.R.No.288 of 2017 and the same was closed on 14.05.2017.

8. It is also brought to the notice of this Court that the petitioner's Mini Bus bearing Registration No.TN-28-A-5666 was found to be plying in an unauthorized route and the same was seized by the authorities. The petitioner filed W.P(MD).No.20436 of 2015 and this Court, by an order dated 03.12.2015, had directed the petitioner to pay Rs.15,000/- as compounding fees and take back the vehicle. Even in the affidavit filed before this Court, the petitioner has not even given any details regarding the date on which the fourth respondent is said to have intercepted his vehicle and harassed him. Except making general and vague allegations in the affidavit, there is nothing in it for this Court to act upon.

9. It is the duty of the fourth respondent to ensure that the T.N.S.T.C. Bus does not suffer loss as it is a public sector undertaking on account of poaching of passengers by private bus operators. This Writ petition is dismissed with exemplary cost of Rs.10,000/- payable by the petitioner to the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequentially, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

**To**

1. The Regional Transport Authority,  
Nagercoil, Kanyakumari District.
2. The Superintendent of Police,  
Nagercoil, Kanyakumari District.
3. The Inspector of Police,  
Kottar Police Station,  
Nagercoil, Kanyakumar District.

- + 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 59603
- + 1 CC TO Mr.H.VELAVADHAS, ADVOCATE IN SR No. 59586
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59763

MSA/AKV

TE/KKR/SAR-II : 22/06/2017 : 3P/7C

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