

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2018

CORAM

The Hon'ble Mr. Justice V.BHARATHIDASAN

Writ Petition No.4368 of 2018
and
W.M.P.No.5365 of 2018

V.Baby

... Petitioner

vs.

The Regional Transport Authority
Tiruvannamalai

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order of the Respondent made in Pro.R.No.2572/A1/2018, dated 08.02.2018 rejecting the Petitioner's request to extend the mini bus route up to government hospital and to quash the same, consequently direct the respondent herein to grant extension of the route as applied by the petitioner by invoking Section 72(2) (xxii) of the Motor Vehicles Act 1988.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the respondent rejecting the petitioner's application for extension of the terminal point of the petitioner's Mini Bus permit from Seriyandal upto Government Medical College Hospital, Thiruvannamalai.

2.The grievance of the petitioner is that, he is a Mini Bus Operator having a permit to run the Mini Bus from Thiruvannamalai to Seriyandal. To extend the route upto Government Hospital, the petitioner made application to the respondent on 20.06.2017. Now, that application has been rejected by way of impugned order without conducting enquiry and without giving any opportunity to the petitioner. Hence, he has filed the present writ petition.

3.Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondent, on instruction, submitted that the area which petitioner seeking extension is covered under the Scheme notified under G.O.M.S No.136 dated 23.03.2011. Under such circumstances, since, the area upto which the petitioner claims for extension, is already covered under the Scheme notified under the G.O.M.S. No.136 dated 23.03.2011, the petitioner is not entitled to sought for extension. In that circumstances, no purpose will be served giving opportunity or enquiry being conducted.

4.Admittedly, before passing the impugned order, the respondent did not conduct any enquiry and no opportunity was given to the petitioner. The learned counsel for the petitioner submitted that now the Scheme under G.O.M.S. No.136 has been set aside by Madurai Bench of this Court and in such circumstances, the respondent cannot rely upon the above said Government Order and to reject the petitioner's application.

5. I have considered the rival submissions.

6. Considering the above facts and circumstances, since, the impugned order has been passed without giving any opportunity to the petitioner and in violation of the principles of natural justice, the impugned order is liable to be set aside on this score alone and accordingly it is set aside. The matter is remanded back to the respondent; the respondent is directed to issue notice to the petitioner; conduct enquiry; and after giving opportunity to the petitioner pass orders on merits and in accordance with law, within a period of six weeks from the date of copy of a receipt of this order.

6.With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jbm

To
The Regional Transport Authority
Tiruvannamalai

+lcc to Mr.K.Hariharan, Advocate, S.R.No.63915

W.P.No.4368 of 2018

MG(CO)
CS/30/10/2018