

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20135 of 2007
and
MP.No.1 of 2007

S.Rajendrakumar
Proprietor
V.D.S.R. Bus Service
24/143-A, Chengam Road
Tiruvannamalai.

... Petitioner

Vs.

1.The Regional Transport Authority
Dharmapuri.

2.Secretary,
Regional Transport Authority,
Dharmapuri.

3.S.Churchill

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records, on the file of the 1st respondent in proceedings R.No.A3/18693/05 dated 17.04.2007, quash the same and consequently, direct the first respondent to consider the representation of the petitioner dated 26.07.2005 in accordance with law.

For Petitioner : Mrs.R.Swarnalatha
For R1 & R2 : Mrs.K.Bhuvaneswari, AGP
For R3 : Mr.K.Hariharan

O R D E R

Challenging the order dated 17.04.2007 passed by the first respondent, the petitioner has come up with this writ petition.

2.The case of the petitioner is that he is a stage carriage operator operating on the route from Tiruvannamalai to

Vaniyambadi, whereas the third respondent is operating on the route from Dharmapuri to Pachal. While so, the third respondent made an application on 20.10.1995 to the first respondent seeking extension of the route from Pachal to Tiruvannamalai and other reliefs. The said application was notified and objections were called for, with regard to variation of the permit conditions. Subsequently, the first respondent considered the said application at the meeting held on 15.02.1996 and granted the reliefs as sought for in the said application on 22.03.1996. Thereafter, the second respondent convened a timing conference on 04.07.2005, in a hurried manner and fixed the timings in respect of the stage carriage bearing No.TAD 1771 belonging to the third respondent, vide order dated 06.07.2005. Aggrieved over the same, the petitioner submitted a representation dated 26.07.2005 to the first respondent, who, vide order dated 17.04.2007, confirmed the order passed by the second respondent. Being not satisfied with the same, the petitioner is before this Court with the present writ petition.

3.The main grievance of the learned counsel for the petitioner is that the respondents, without considering the detailed objections submitted by the petitioner in a proper perspective, accepted the application of the third respondent and granted the variation of permit conditions and fixed the proposed timings. As such, the orders so passed by the respondents are arbitrary, illegal and contrary to law and the same are liable to be set aside.

4.On the other hand, the learned counsel appearing for the respective respondents made their submissions to support the orders passed by the respondents 1 and 2.

5.Heard both sides.

6.Upon perusal of the documents filed in the form of typed set of papers, it could be seen that the first respondent, vide order dated 22.03.1996, after hearing all the parties, considered the application of the third respondent and granted the variation of permit conditions in respect of his stage carriage bearing No.TAD 1771 plying on the route Dharmapuri to Pachal and further, directed the second respondent to fix suitable timings. Thereafter, the second respondent, after issuance of due notice to all the parties, convened a timing conference on 04.07.2005, during the course of which, the existing and proposed timings were pronounced before the sector operators; the same were discussed; and the set of timings was approved, in the interest of the public. Further, the second

respondent, after verifying the necessary documents of the third respondent, such as, permit, Registration Certificate with valid FC, IC and evidence of payment of tax, made the entries with regard to variation of permit conditions, with effect from 06.07.2005. The order so passed by the second respondent was affirmed by the first respondent vide order dated 17.04.2007, wherein, the first respondent, after verifying the records, was of the view that as per the orders of this Court, the variation of the permit conditions was allowed in favour of the third respondent; and the petitioner has not raised the issue relating to fixation of timings on the route from Dharmapuri to Thiruvannamalai and hence, the schedule of timings proposed by the third respondent was approved.

7.This Court is of the view that there is no ground much less valid ground to interfere with the orders impugned herein, as the same were passed, after issuing due notice to all the parties and having considered the each and every objections of the representator i.e., the petitioner herein.

8.Hence, this writ petition deserves to be dismissed and is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rk

To

1.The Regional Transport Authority, Dharmapuri.

2.Secretary,
Regional Transport Authority,
Dharmapuri.

+1cc to Mr.K.Hariharan, Advocate SR.No.77265

+1cc to Government Pleader SR.No.77672

W.P.No.20135 of 2007

RR(CO)
GMY(09/05/2019)