



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 22571 of 2004
and
W.M.P. 27297 of 2004

Bharath Transports,
rep. by its Managing Partner

... Petitioner

Vs

1. Regional Transport Authority,
Perambalur District,
Perambalur.

2. The Secretary,
Regional Transport Authority,
Perambalur District,
Perambalur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in R.No.22477/A2/2003 dated 12.02.2004 and quash the same and direct the 2nd respondent to permit the petitioner to operate its vehicle, bearing Regn.No.TN 46/b 4577, on the route Perambalur to Namakkal (via) Thuraiyur, Kannanur cross road, Thathiangarpet, Mahadevi Cross Road and Erumapatty with shuttle trips between Namakkal to Manickampalayam, Thuraiyur and Thathiangarpet and Thathiangarpet and Namakkal (via) Erumapatty.

For Petitioner : Mr.M.Palani

For Respondents : Mr.A.N.Thambidurai,
Special Govt. Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the 2nd respondent refusing the petitioner's request to operate the petitioner's stage carriage via Erumapatty village.

2. The case of the petitioner in brief is as follows :-

The petitioner is a stage carriage operator in Perambalur District and having 3 stage carriage permits. One of the permits



is to ply from Perambalur to Namakkal (via) Thuraiyur, Kannanur cross road, Thathiengarpet, Mahadevi Cross Road with shuttle trips between Namakkal to Manickampalayam, Thuraiyur and Thathiengarpet and also Thathiengarpet and Namakkal. The distance in between Perambalur and Namakkal is 93.2 kms. as per the fare table approved by the 1st respondent. Whereas, the distance of the petitioner route as per the permit is 94.6 kms. The length of the route between Perambalur and Namakkal via Erumapatty village is also 93.2 kms. Earlier, the petitioner was operating stage carriage from Perambalur to Namakkal via Erumapatty village as the distance via Erumapatty is less than the distance permitted in the permit.

3. Subsequently, due to bad road condition, the petitioner was not operating the bus via Erumapatty for some time and operating the stage carriage in the main road. Thereafter, the petitioner wants to resume the bus service via Erumapatty. But, the 2nd respondent was not permitting the petitioner and directed the petitioner to operate the bus through the main road as per the permit. In the said circumstances, the petitioner has made a representation to the authorities to permit him to run the stage carriage permit via Erumapatty village. In the meantime, a variation of permit has been granted by the Regional Transport Authority, which no way affect the petitioner to operate the bus via Erumapatty village. Now, without considering all those facts, the respondents have rejected the petitioner's representation and not allowing him to operate the stage carriage via Erumapatty village. Hence, the present Writ Petition has been filed.

4. The 2nd respondent filed a counter affidavit stating that as per the permit granted to the petitioner, he was permitted to ply the stage carriage in the following route :-

"Perambalur to Namakkal via, Thuraiyur, Kannanur Cross Road, Thathiengarpet, Mahadevi Cross Road with shuttles between Namakkal and Thathiengarpet via, Mahadevi Cross involving the following variation :-

- a) Extension of route from Namakkal to Manickampalayam (2 singles)
- b) 4 additional singles between Thuraiyur and Thathiengarpet.
- c) Two additional singles between Thathiengarpet and Namakkal."

As per the permit, the petitioner was not authorised to run the stage carriage via Erumapatty village. The permit issued by the Regional Transport Authority contains the details of the route, the name of the permit holder and address, permit conditions etc. and the stage carriage should be operated strictly in the route specified in the permit only. The permit holder cannot deviate from the route specified therein. Even though the distance between Namakkal and Perambalur via Erumapatty is 93.2



kms., which will not allow the petitioner to run the bus via Erumapatty as the distance is not the criteria, whereas, only the route as mentioned in the permit is to be considered. Therefore, merely because, the petitioner's permit mention the total distance as 94.6 kms., the petitioner cannot operate in any route to cover the distance.

5. Mr. M.Palani, learned counsel appearing for the petitioner has vehemently contended that even though the distance between Perambalur and Namakkal is 93.2 kms., as per the fare table approved by the 1st respondent, the distance of the petitioner route as per the stage carriage permit is 94.6 kms. Hence, the stage carriage permit via Erumapatty as per the fare table approved by the 1st respondent, the petitioner is entitled to operate the stage carriage within the distance mentioned in the permit. The learned counsel further submitted that the permit will not contain the entire stops enroute from Perambalur to Namakkal, and hence, the petitioner cannot be prevented from operating the bus via Erumapatty.

6. The learned counsel appearing for the respondent contended that the permit issued to the petitioner contains the entire route through which the petitioner should operate the stage carriage and the permit is not authorising the petitioner to run the stage carriage via Erumapatty village. The fare table issued by the 1st respondent is only relates to fixation of fare between the stages. Merely because, the Erumapatty mentioned in the fare table, the petitioner cannot be permitted to run the bus in that route.

7. I have considered the rival submissions and perused the records carefully.

8. It is an admitted fact that the Erumapatty village is not mentioned in the permit issued for the petitioner's stage carriage permit. Now, it is the contention of the petitioner that as per the fare table published by the 1st respondent, between Perambalur and Namakkal, the Erumapatty village is mentioned and the total distance between Perambalur and Namakkal via Erumapatty as per the fare table is 93.2 kms. Whereas as per the permit, the total distance permitted to the petitioner's stage carriage is 94.6 kms. According to the petitioner, when the fare table clearly mentions the distance and various bus stops, in which Erumapatty is also mentioned, the petitioner is entitled to operate the stage carriage via Erumapatty. The above contention of the petitioner cannot be countenanced for the reason that in the permit issued to the petitioner, the route has been clearly mentioned, through which the petitioner should operate the stage carriage. As per the permit, the petitioner is not permitted to go via Erumapatty village, which is in a deviated route and the petitioner cannot deviate the route without the permission of the authority. The fare table issued



by the 1st respondent is only fixing the fares between the stages. Merely because, in the fare table, the Erumapatty village is mentioned, it does not mean that the petitioner can operate the bus via Erumapatty also. Apart from that, even though the petitioner is permitted to operate the bus between Perambalur and Namakkal by covering the distance of 94.6 kms., the petitioner can only exhaust the distance only through the route permitted in the stage carriage permit, and the distance is not the criteria. Admittedly, the Erumapatty village is not in the main route between Perambalur and Namakkal and it is in the deviated route. Merely because, the village is mentioned in the fare table and the distance to be travelled via above village is less than the distance mentioned in the permit, the petitioner cannot take advantage of it and try to operate the bus deviating the stage carriage permit.

9. In the said circumstances, I find no illegality in the order passed by the 2nd respondent and there is no merit in this Writ Petition and hence, it is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. Regional Transport Authority,
Perambalur District, Perambalur.

2. The Secretary,
Regional Transport Authority,
Perambalur District,
Perambalur.

+1cc to Mr. M.Palani, Advocate, S.R.No. 64914
+1cc to the Government Pleader, S.R.No. 65488

W.P. 22571 of 2004
and
W.M.P. 27297 of 2004

GP (CO)
GN (02/11/2018)