

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.11.2018

CORAM
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.25770 of 2012
and M.P.No.2 of 2012

T.Rangappa Chettiar

..Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.

2. The State Transport Appellate Tribunal,
Chennai 109.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for records of the 1st respondent made in G.O.Ms.No.136 Home (Transport III) dated 23.02.2011 published in the Tamil Nadu Government Extraordinary Gazette No.69 dated 23.02.2011.

For Petitioner :: Mr.T.Padmanaban

For Respondents :: Ms.M.Lalitha
(Government Pleader)

O R D E R

The writ petition has been filed in the nature of Certiorari calling for records of the 1st respondent namely the Principal Secretary to Government, Home Department, the Government of Tamil Nadu, made in G.O.Ms.No.136 Home (Transport III) dated 23.02.2011.

2. The writ petitioner operates buses. The Regional Transport Authority in Dharmapuri proposed to open a new minibus route between "Pochampalli and Burgur". Applications were called from intending persons to operate such route. The petitioner applied for grant of permission. This application was not disposed of, he therefore filed W.P.No.10646 of 1992 and a direction was given by this Court to dispose of the application.

3. The Dharmapuri District was then bifurcated into two and a new district Krishnagiri was formed. Therefore, the petitioner filed another writ petition in W.P.No.3363 of 2005 to once again submit an application seeking permission to operate the bus route. It must be noted that the route now falls under the Krishnagiri District. His application was rejected. He filed an application before the State Transport Appellate Tribunal. Again his application was rejected. He then, filed W.P.No.6750 of 2009. This Court directed the Authorities to consider his application.

4. In the meanwhile, a fresh proposal was brought about by the Government to modify the District Wise Area Approved Scheme into a Comprehensive Single Area Scheme. This naturally would affect the petitioner, since his application fell under Krishnagiri District and instead of the authorities in Krishnagiri approving his plan, the Comprehensive Single Area Scheme would have effect throughout the State. This was passed in G.O.Ms.No.136, Home (Transport III) Department, dated 23.02.2011.

5. Mr.T.Padmanaban, learned Counsel for the petitioner had drawn the attention of this court, to an order dated 18.04.2018 in W.P.(MD) No.2893 of 2011, wherein, a learned Single Judge of this Court was concerned with the vires of G.O.Ms.No.136, Home (Transport III) Department, dated 23.02.2011. After examining the various aspects relating to the said Government Order and also the proceedings said which have been followed before passing the order, the learned Judge found that the Government Order was passed based on oral objections received from the State holders. The learned Judge found fault that written objections were not received from the State holders who had grievances against the introduction of the said Government Order. Consequently, the said Government Order was quashed and every right flowing from it was set aside. It is informed by the learned Government Pleader, that no appeal as on date has been filed. The ratio in the said judgment enures to the present petitioner.

6. Consequently, the writ petition is allowed and the Government Order is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vkrr/msvm

To

1.The Principal Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.

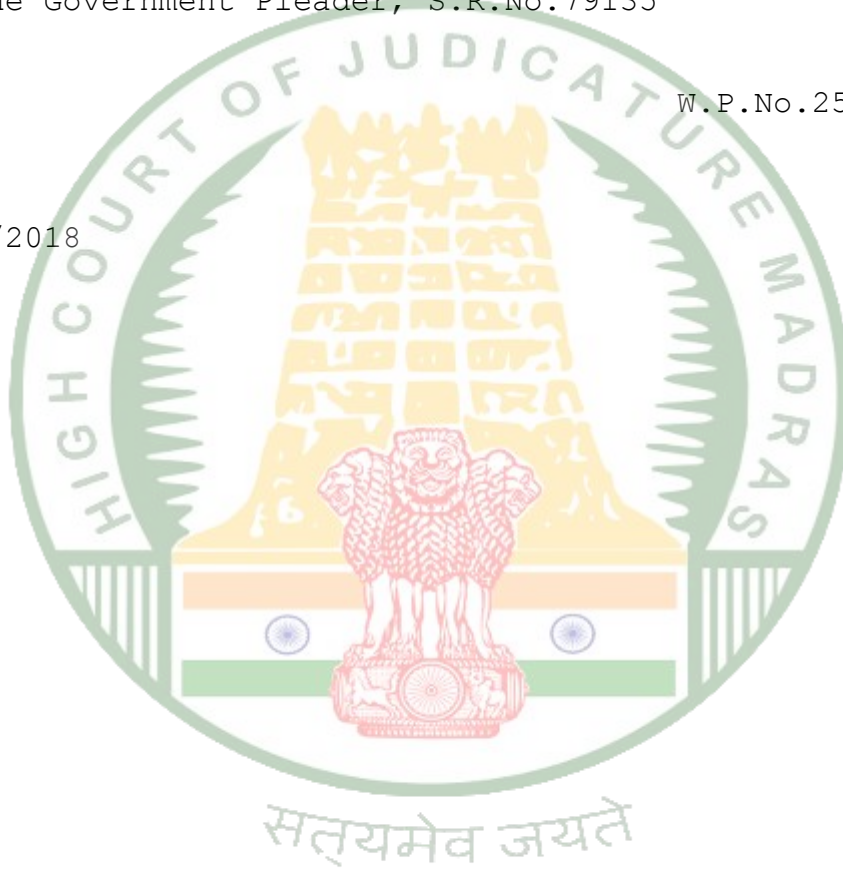
2. The State Transport Appellate Tribunal,
Chennai 109.

+1cc to Mr.T.Padmanaban, Advocate, S.R.No.78845
+1cc to the Government Pleader, S.R.No.79135

W.P.No.25770 of 2012

AD(CO)

rrs 22/11/2018



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