

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.3993 of 2018

Kandasamy Bus Service
represented by Mr.K.Murugavel
85/12, Palghat Road,
Pollachi - 642 001.

.. Petitioner

Vs.

1.The Regional Transport Authority
Pollachi Region at Coimbatore.

2.The Secretary
Regional Transport Authority
Pollachi.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to alter the distance of the petitioner permit plying on the route Pollachi to Palani via Udumalpet from 64 kms to 69.2 kms in the permit in-terms of the proceedings of the 1st respondent on 30.07.1992 in R.No.42583/A3/91 by considering the representation filed by the petitioner on 01.09.2015, 22.05.2017 and 07.02.2018 forthwith.

For Petitioner : Mr.M.Krishnappan
Senior Counsel for Mrs.R.Swarnalatha

For Respondents : Mr.B.Anandan
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents to alter the distance of the petitioner's permit plying on the route Pollachi to Palani via Udumalpet from 64 kms to 69.2 kms in the permit in terms of the proceedings of the first respondent on 30.07.1992, by considering the representations of the petitioner dated 01.09.2015, 22.05.2017 and 07.02.2018.

3. Heard both sides.

4. It is the case of the petitioner that the subject matter permit was given to the petitioner with distance of route as 64 kms and however, when the distance was verified through the Highways Department, it was found as 69.2 kms and based on such findings, the first respondent has also issued a proceedings on 30.07.1992, indicating that the actual distance is 69.2 kms. Therefore, the petitioner seeks for alteration of the distance in the permit from 64 kms to 69.2 kms. Ventilating such grievance, the petitioner has made the above said representations. It is stated that those representations are still pending and not yet considered so far.

5. The learned Government Advocate for the respondents submitted that a writ petition filed by the Association in WP.No.24655 of 2010, seeking for the very same relief was dismissed on 08.06.2011 and therefore, the petitioner cannot seek the same relief, by way of his representations.

6. Perusal of the order passed in WP.No.24655 of 2010 dated 08.06.2011, would clearly indicate that this Court has observed that for each and every individual case, such a claim has to be considered and not at the instance of the Association. It is further observed therein that unless an individual operator sets out his grievance, such claim cannot be considered in a general fashion. When such being the findings rendered by the learned Single Judge in the above writ petition, I do not think that there will be any impediment for the respondents to consider the individual request of the operators like the petitioner. Accordingly, this writ petition is disposed of, by directing the first respondent to consider the above representations of the petitioner dated 01.09.2015, 22.05.2017 and 07.02.2018 and pass orders on the same, in the light of the order already passed by the first respondent dated 30.07.1992. Such exercise shall be done by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Regional Transport Authority
Pollachi Region at Coimbatore.

2.The Secretary
Regional Transport Authority
Pollachi.

+1cc to Mr.Mrs.R.Swarnalatha, Advocate, S.R.No.13479

+1cc to the Government Pleader, S.R.No.14077

RRK(01/03/2018)

W.P.No.3993 of 2018



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