

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.13321 of 2018 and
W.M.P.Nos.15689 & 15690 of 2018

P.Samiappa Gounder
Proprietor P.S.G. Transports,
41, Majid Street, Kangayam - 638 701,
Tirupur District. ... Petitioner

Vs.

- 1.The State Transport Authority,
Ezhilagam, Chepauk, Chennai - 600 005.
- 2.The Regional Transport Authority,
Erode Region, Collectorate, Erode.
- 3.The Secretary,
Regional Transport Authority,
Perundurai - 638 501.
- 4.The Secretary,
Regional Transport Authority,
Tirupur South, Tirupur - 641 605.
- 5.The Tamil Nadu State Transport Corporation
(CBE Dn) Ltd., Mettupalayam Raod,
Coimbatore - 641 043
rep by its Managing Director ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents 1 to 4 from allowing the continued operation of the buses by the 5th respondent on the routes Kangayam-Chennimalai-Perundurai routes.

For Petitioner : Mr.S.Kalyanasundaram, Senior Counsel
for Mr.T.Padmanabhan

For Respondents : Mr.C.Manishankar,
Additional Advocate General
assisted by Mr.K.J.Sivakumar,
Standing Counsel (R5)

Mr.V.Jayaprakash Narayanan,
Special Government Pleader (R1 to R4)

O R D E R

Today when the matter was taken up for hearing, Mr.C.Manishankar, learned Additional Advocate General, placing on record the proceedings of the State Transport Authority, Chennai, in No.97346/A2/98 dated 22.01.1999, submitted that as per Rule 148 of the Tamil Nadu Motor Vehicle Rules, the Deputy Transport Commissioners in the District shall be the Secretaries to the State Transport Authority.

2.By virtue of the delegation of the powers in lieu of the Secretary to the State Transport Authority, the District Transport Commissioner will consider the grant of permit and thereafter, the Regional Transport Officer will fix the time schedule.

3.As the Timing Conference notices dated 24.05.2018 have already been issued by the Regional Transport Officer, Perundurai inviting the petitioner, on 08.06.2018 at 11.00 am in the Chambers of the Regional Transport Officer, Perundurai to fix the timings in respect of Stage Carriage Tamil Nadu 38 N 2898, Tamil Nadu 38 N 2900, Tamil Nadu 33 N 1956, Tamil Nadu 33 N 1949, Tamil Nadu 33 N 2232, the petitioner cannot have any grievance to take part in the Timing Conference on 08.06.2018 at 11.00 am.

4.This Court also finds merit in the submission made by the learned Additional Advocate General that as per Section 103 (1) of the Motor Vehicles Act, 1988, the Timing Conference notices given on 24.05.2018 for the meeting to be held on 08.06.2018 at 11.00 am in the Chambers of the Regional Transport Officer, Perundurai is going to be held by the Deputy Transport Commissioner to consider the grant of stage carriage permit. The petitioner is directed to take part in the Timing Conference to be held on 08.06.2018 at 11.00 am in the Chambers of the Regional Transport Officer, Perundurai.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-vi)

//True Copy//

Sub Assistant Registrar

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To

- 1.The State Transport Authority,
Ezhilagam, Chepauk, Chennai - 600 005.
- 2.The Regional Transport Authority,
Erode Region, Collectorate, Erode.
- 3.The Secretary,
Regional Transport Authority,
Perundurai - 638 501.
- 4.The Secretary,
Regional Transport Authority,
Tirupur South, Tirupur - 641 605.
- 5.The Managing Director
Tamil Nadu State Transport Corporation
(CBE Dn) Ltd., Mettupalayam Raod,
Coimbatore - 641 043.

+1cc to Mr.K.J.SIVAKUMAR, Advocate, S.R.No.36300
+1cc to Mr.T.PADMANABHAN, Advocate, S.R.No. 35706
+1cc to the Government Pleader, S.R.No.35862

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GJ II (CO)
TR(18/06/2018)

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