

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.19624 of 2017
and
WMP.No.21190 of 2017

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

.. Petitioner

Vs.

1.The State Transport Authority - cum-
Transport Commissioner
Ezhilagam, Chepauk, Chennai-600 005.

2.The Regional Transport Authority - cum-
District Collector
Erode Region, Collectorate,
Erode.

3.The Secretary Regional Transport Authority
Perundurai
Erode District.

4.The Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore - 641 043.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the 1st and 2nd respondents from allowing the continued operation of the buses TN38 N 2898, TN33 N 2232, TN32 N 1949, TN38 N 2900 and TN33 N 1956 on the respective routes pursuant to the order of the 2nd respondent dated 03.04.2017 passed in R.No.31211/A2.2016.

For Petitioner : Mr.NL.Rajah
Senior Counsel for Mr.T.Padmanabhan
For Respondents : Mr.C.Manishankar
Additional Advocate General
assisted by
Mr.R.Govindasamy,
learned Special Government Pleader
for R1 to R3
Mr.K.J.Sivakumar, for R4

O R D E R

The petitioner seeks for a mandamus forbearing the respondents 1 and 2 from allowing operation of the buses TN38 N 2898, TN33 N 2232, TN32 N 1949, TN38 N 2900 and TN33 N 1956 on the respective routes, pursuant to the order passed by the 2nd respondent dated 03.04.2017.

2. Heard Mr.N.L.Rajah, learned Senior Counsel appearing for the petitioner, Mr.C.Manishankar, learned Additional Advocate General appearing for the respondents 1 to 3 and Mr.K.J.Sivakumar, learned counsel appearing for the fourth respondent.

3. The petitioner is a stage carriage bus operator in and around Tirupur - Kangayam - Chennimalai - Perundurai area. The grievance of the petitioner before this Court is that the buses operated by the Tamil Nadu State Transport Corporation namely the fourth respondent herein are encroaching upon the timings of the route permit given to the petitioner, apart from the fact that some of the buses of the fourth respondent are also plying without having any valid permit. By making two such allegations, the petitioner has made the representation before the respondents on several occasions and last of such representation was made on 30.05.2017. Therefore, it is submitted that the second respondent may be directed to consider the said representation and pass orders on the same on merits and in accordance with law.

4. Though the learned counsel for the fourth respondent disputed the above said allegations made by the petitioner, but he is fair enough to accept that the representation of the petitioner may be directed to be considered by the second respondent, after hearing all the parties concerned.

5. Upon hearing both sides and considering their respective submissions, this Court is of the view that it is for the second respondent to consider the grievance of the petitioner and pass orders on merits and in accordance with law, after hearing the petitioner, the fourth respondent and other interested parties, if any. Needless to say that this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner as well as the fourth respondent, as it is for the second respondent to consider and decide. Accordingly, this writ petition is disposed of, by directing the second respondent to consider the grievance of the petitioner and pass orders on

the same as stated supra, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk
To

- 1.The State Transport Authority - cum-
Transport Commissioner
Ezhilagam, Chepauk
Chennai-600 005.
- 2.The Regional Transport Authority - cum-
District Collector
Erode Region, Collectorate,
Erode.
- 3.The Secretary Regional Transport Authority
Perundurai
Erode District.
- 4.The Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.T.Padmanabhan, Advocate Sr.No.16906
+1cc to Mr.K.J.Sivakumar, Advocate Sr.no.17182
+1cc to Mr.K.J.Sivakumar, Advocate Sr.no.17182 dt.13.3.2018

sm:7.3.2018

W.P.No.19624 of 2017

WEB COPY