

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.36103 of 2002

K. Lakshminarayanan (Died)

1. M. Rajendran
2. M. Nataraj
3. M. Kuppuraj
4. T. Ravindran

(Substituted as Petitioners as per
the Order of this Court dated
13.06.2018 in WPMP No.162 of 2010)
.... Petitioners

Vs.

1. Regional Transport Authority,
Coimbatore
2. State Transport Appellate Tribunal,
Chennai - 104
3. K. Thirumalaisamy,
Prop. of R.K.G. Transports,
6, Universal Road,
Tiruppur

(3rd Respondent impleaded as per Order
of this Court dated 17.09.2003 in WPMP
No.58412 of 2002) Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the State Transports Appellate Tribunal, Chennai made in its Revision Petition No.1/97/A5 dated 06.05.2002, to quash the same and also to direct the Regional Transport Authority, Coimbatore, to grant the renewal already ordered in its Proceedings in R.No.3898/A3/96 dated 25.01.97 for the further period.

For Petitioners: Mr.K. Venkatasubban for
M/s Sarvabhauman Associates

For R.1 and R.2: Mr.S. Kamalesh Kumar
Government Advocate

For R.3 : Mr.R. Swarnalatha

ORDER

The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the State Transports Appellate Tribunal, Chennai made in its Revision Petition No.1/97/A5 dated 06.05.2002, to quash the same and also to direct the Regional Transport Authority, Coimbatore, to grant the renewal already ordered in its Proceedings in R.No.3898/A3/96 dated 25.01.97 for the further period.

2. The Petitioner viz., K. Lakshminarayanan, was the holder of stage carriage permit for the route Coimbatore to Tiruppur (via) Chettipalayam and Pothanur, which lapsed on 26.03.1988. On his applications made for renewal for further periods, the same was extended till 26.03.1993 and again till 26.03.1998, on condition that he should produce the Registration Certificate of the vehicle with Valid Fitness Certificate, Insurance Certificate and current tax paid within four months from the date of the receipt of the copy of the proceedings bearing No. R.No.3898/A3/96 dated 25.01.97 issued by the Regional Transport Authority, Coimbatore. However, the Petitioner had not produced the aforesaid required documents within the stipulated time and hence, the Regional Transport Authority, by Order dated 25.01.1997, in the exercise of the powers conferred under Rule 194 of Tamil Nadu Motor Vehicle Rule 1989, revoked the sanction of renewal of permit in respect of the stage carriage of the Petitioner. Aggrieved thereby, the Petitioner preferred a statutory appeal before the State Transport Appellate Tribunal Chennai, which confirmed the order passed by the Regional Transport Authority, Tiruppur in Revision Petition No.1/97/A5 dated 06.05.2002. The present Writ Petition has been preferred against the aforesaid order.

3. After filing of the Writ Petition, the Petitioner Mr.K. Lakshminarayanan had expired and his legal representatives viz., M/s M. Rajendran, M. Natraj, M. Kuppuraj and T. Ravindran were substituted as Petitioners in the Writ Petition by order dated 13.06.2018 in WPMP No.162 of 2010 passed by this Court.

4. Heard Mr.K. Venkatasubban for M/s Sarvabhauman Associates, learned counsel for the Petitioners and Mr.S. Kamalesh Kumar, learned Government Advocate for the First and Second Respondent and Ms.R. Swarnalatha, learned counsel for the

Third Respondent.

5. On a perusal of the impugned orders, it is noticed that there is no infirmity in the decision making process for revoking the renewal of the stage carriage permit for non-production of the required documents within the stipulated time limit. Further, the Petitioner has not established that he had been prevented by any justifiable cause to produce those documents to the concerned authority. In any event, the period for which the stage carriage permit had been renewed has already been lapsed even before filing of the Writ Petition and it is an admitted position that the Petitioner had not been plying his bus on that route after 26.03.1988. In such circumstances, there are no merits in the Writ Petition and the same is dismissed. No costs.

s/d-

Assistant Registrar(CS.VIII)

True Copy

Sub-Assistant Registrar

sr
To

1. The Regional Transport Authority,
Coimbatore
2. The State Transport Appellate Tribunal,
Chennai - 104

+1 CC to Mr.. Sarvabhuman Associates sr 37281.

सत्यमेव जयते

W.P.No.36103 of 2002

RJ(CO)
SP(04/07/2018)

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