

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.10.2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 26494 of 2018

T.S.G.Venkatachalapathy

... Petitioner

-Versus-

1. The Regional Transport Authority,
Nagapattinam District.

2. Regional Transport Officer,
Mayiladuthurai,
Nagapattinam District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider and pass orders on the petitioner's representation dated 30.08.2018 to permit the petitioner's mini bus TN-32/A-9387 to go inside the Mayiladuthurai Municipal Park Bus stand as per the Transport Commissioner's Circular letter in R.No.90919/E2/2000, dated 29.11.2000 and Rules 245(i) of TNMV Rules, 1989 while ply on the Route - Mayiladuthurai Lalbhadhur Nagar to Vadakarai Oosimedu forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the 1st respondent to consider the petitioner's representation dated 30.08.2018 to permit the petitioner's mini bus to go inside the Mayiladuthurai Municipal Park Bus Stand.

2. According to the petitioner, he is owning a mini bus permit for the route between Mayiladuthurai Lalbhadhur Nagar and Vadakarai. Earlier, in the year 2000, the Government has taken a policy decision to permit the mini bus to go inside the bus stand so that the travelling public will have the benefit of using the mini bus. Based on that, the Transport Commissioner also issued a circular dated 29.11.2000 to implement the policy

decision subject to the condition the served area of the route should be within 4 kms. Based on the circular, the petitioner has filed the application before the 2nd respondent to permit the petitioner bus to go into bus stand, which is coming within the 4 kms. of served area, but the application was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondents, on instructions, submitted that even though the petitioner has filed the application before the authority, he has not included necessary documents enabling the authority to consider the same. Hence, he may be directed to file a fresh application.

4. In the above circumstances, the petitioner is directed to file a fresh application along with all the necessary documents before the 2nd respondent within a period of two weeks from the date of receipt of this order and on filing such application, the 2nd respondent is directed to receive the application and forward the same to the 1st respondent. Thereafter, on receipt of application from the 2nd respondent, the 1st respondent is directed to consider and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner within a period of six weeks after receipt of the application from the 2nd respondent.

5. In the result, this writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Regional Transport Authority,
Nagapattinam District.

2. Regional Transport Officer,
Mayiladuthurai,
Nagapattinam District.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.70082

+1cc to the Government Pleader, S.R.No.70603

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KJ(CO)

GSP(06/12/2018)