

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 28.11.2018
CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.31216/2018
&
WMP.No.36419/2018

A.Selvam .. Petitioner

Vs

- 1 The Regional Transport Authority
rep.by its Secretary
Cuddalore.
- 2 The District Collector
Cuddalore District, Cuddalore.
- 3 R.Mayakrishnan .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to extend the route permit of the mini bus bearing Registration No.TN-55-C-9174 issued in PSC.No.94/Mini-bus/CTL/2000 operate by the 3rd respondent to take diversion from Palur Junction to Palur Village and to return back to reach its destination in both ways.

For Petitioner : Mr. K.Balu

For RR 1 & 2 : Mr.E.Manoharan, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The present writ petition is styled as a Public Interest Litigation and the petitioner being a resident of Keezhamampattu, Panruti, Cuddalore District, would aver among other things in the writ petition that the 3rd respondent is a Mini Bus operator having permit bearing R.No.42/42563/2000 in PSC No.94/Minibus/CTL/2009 for the route Kadampuliyur to Naduveerapattu, and the

total length of the route is nearly 16.9 Kms and the journey time will be around 50 minutes. The number of singles to be operated is 20 and the total Kilometers to be covered would be around 338.9 Kms. Initially, permission was granted to the 3rd respondent to operate the Mini Bus bearing Regn.No.TN-55-C-9174 from 29.11.2002 to 28.11.2005 and thereafter, it was renewed from 29.11.2005 to 28.11.2010 and further got renewed for the period between 29.11.2015 and 28.11.2020 by the 1st respondent. The grievance expressed by the petitioner is that the operation of the Mini Bus for the route is to be extended for the reason that there is no Mini Bus service from Naduveerapattu to C.N.Palayam and consequently, the students who are studying in the Government School could not reach the School on time, so also the people of the said locality to have access to the outside world. The petitioner in this regard, has submitted a representation dated 05.09.2018 and similarly, the general public of Kanamkuppam, Keemampattu, Pudupalayam, Selambinathanpettai, Sathamampattu and Puthirankuppam had also submitted representations dated 06.08.2018 to the 2nd respondent and in spite of receipt and acknowledgment, they have not been favoured with any kind of response and therefore, the petitioner is constrained to approach this Court by filing the present writ petition purely in public interest.

3 Mr.K.Balu, learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that since the residents of the said locality have no access for want of transport service which is a basic minimum necessity, the representations have been submitted and since no response is not at all forthcoming, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Per contra, Mr.E.Manoharan, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that extension of route cannot be granted automatically and it depends upon so many factors, which include service provided by other operators as well as the relevant provisions of the Motor Vehicles Act, also to be complied with.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, permits the petitioner to submit a fresh representation to the

respondents 1 and 2 in that regard within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 and 2 shall consider and dispose of the said representation on merits and in accordance with law by adhering to the relevant provisions of the Motor Vehicles act and also the principles of natural justice, within a further period of four weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s concerned.

7 The writ petition stand disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

AP
To

- 1 The Secretary,
Regional Transport Authority
Cuddalore.
- 2 The District Collector
Cuddalore District, Cuddalore.

+1cc to Mr.K.Balu, Advocate SR.No. 81590

+1 CC TO GOVERNMENT PLEADER SR.NO. 81661

WP.No.31216/2018

ASK(18/12/2018)

सत्यमेव जयते

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