



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.7005 of 2018

and

W.M.P. (MD) .Nos.6992 and 6993 of 2018

S.Rajendra Prasath

: Petitioner

Vs.

1. The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

2. The State Transport Appellate Tribunal,
City Civil Court Buildings,
High Court Campus,
Chennai-104.

3. The Management,
through the General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil Region, Ranithottam,
Kanyakumari District.

: Respondents

(R-3 is impleaded vide court order dated 20.04.2018
in W.M.P.(MD).Nos.8242 & 8243/18)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 03.11.2015 of the 2nd respondent made in Appeal No.83 of 2015 and quash the same as being illegal, unreasonable and unconstitutional and consequently direct the 1st respondent to permit the petitioner's mini bus to make use of Anna Bus Stand, Nagercoil for alighting the passengers, while operating the mini bus on the route.

For Petitioner

: Mr.H.Velavadhas

For Respondents

: Mr.K.Chellapandian

Additional Advocate General
assisted by

Mrs.J.Padmavathy Devi

Special Government Pleader
for R-1

Mr.K.Sathiya Singh for R-3

R-2- Tribunal

**ORDER**

The writ petitioner is a mini bus operator with the route permit between Vadaseri Bus Stand to Mathiyas Nagar. He made a request to the Regional Transport Authority, Nagercoil, Kanyakumari District to permit him to operate his mini bus bearing Regn. No.TN-74-4E-7817 upto Anna Bus stand. The route permit granted is between Vadaseri Bus Stand to Mathiyas Nagar via SM Road Turning, Krishnan Kovil VAO Office Turning, Rajakumar Thirumanamandapam, Aruguvalai Junction, Pulaidi Turning, Pulaidi Bus Stop, Annai Potthi, Kavimaninagar and Gnanathasapuram.

2. His request was rejected by the Regional Transport Authority in R.No.6209/A2/2015. Against which, he preferred an appeal before the State Transport Appellate Tribunal, Chennai in M.V.Application No.83 of 2015. The same was dismissed by the Tribunal and aggrieved over the same, the petitioner is before this Court.

3. According to the petitioner, the object of Mini Bus Scheme is only to help poor commuters and therefore, his request is therefore justified. Originally, he is operating only upto the distance of 4 kilometres in the served sector and if it is extended upto Anna Bus Stand, that will not affect any one, since he is operating in the unserved sector only upto 10.01 kilometres.

4. Controverting the case projected by the petitioner, the learned Additional Advocate General, appearing for the first respondent would contend that the petitioner's bus is plying 4 kms in the served sector and 10.1 kms in the unserved sector and there is no intervening "one way" in the route from Vadaseri Bus Stand to Mathiyas Nagar. Since the route permit was granted as per the statutory norms upto 4 kilometres in the served sector, further extension is not permissible.

5. Heard the contentions made on either side.

6. Admittedly, route permit is granted between Vadaseri Bus Stand to Mathiyas Nagar, which covers the distance of 14.1 kilometres and there is no intervening one way in the route.

7. Considering the above submissions and facts of the case, this Court is of the view that the State Transport Appellate Tribunal has rightly considered the case and confirmed the rejection order made by the Regional Transport Authority. Hence, I do not find any infirmity in the impugned order. Moreover, a Division Bench of this Court in W.A.No.582 of 2008, dated 14.07.2009, in the case of **Regional Transport Authority, Dharmapuri and another Vs. Banumathy Vijayan**, held that sofar, no



law has been laid down to grant extension of permit beyond the permitted distance.

8.I am in agreement with the findings of the Honourable Division Bench of this Court. Accordingly, the writ petition is dismissed as it merits no consideration. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Regional Transport Authority,
Nagercoil,
Kanyakumari District.
2. The State Transport Appellate Tribunal,
City Civil Court Buildings,
High Court Campus,
Chennai-104.

+1cc to Mr.H.Velavadas, Advocate SR.No.73216

+1cc to Mr.K.Sathiya Singh, Advocate SR.No.73321

Vs

MK/RSK/SAR 4/09.08.2018/3P/5C

Order made in
W.P(MD)No.7005 of 2018
16.07.2018