



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.7006 of 2018

and
W.M.P. (MD) .Nos.6694 and 6695 of 2018

Paulsamy

: 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.MP.(MD).
Nos.8242 & 8243 of 2018)

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.82 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 Chettikulam School to Annanda Nadarkudi Puthoor. 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-E-7197 upto Anna Bus stand. The route permit granted is between Chettikulam School to Annanda Nadarkudi Puthoor via Ramanputhooor, Punnai Nagar, Konam, Erumbukadu, Arasamoodu and Mannavilai.

2. His request was rejected by the Regional Transport Authority in R.No.6210/A2/2015. Against which, he preferred an appeal before the State Transport Appellate Tribunal, Chennai in M.V.Application No.61 of 2015. The same was dismissed by the Tribunal and aggrieved over the same, the petitioner is before this Court.

3.The grievance of the petitioner is that there is no parking near the destination point i.e Chettikulam School Junction. The police is restraining the petitioner from stopping the bus in Anna Bus Stand for the purpose of boarding and alighting the commuters. Further, there is no facility for turning the bus. Therefore, he has to compulsorily take a diversion from the Vepamodu Junction to reach Chettikulam School junction in the return direction. Therefore, while going towards Anna Bus Stand, he should be permitted to enter into the bus stand also.

4. Controverting the case projected by the petitioner, the learned Additional Advocate General, appearing for the first respondent would vehemently contend that the petitioner need not take a left turn to go to one way and on the other hand, while plying in the route between Chettikulam school junction and Annanda Nadarkudi, he can take a further reverse to accommodate the bus as well as to facilitate the parking of the bus thereof. In stead of utilizing the available facilities, the petitioner, with an ulterior motive, asked for extension of permit beyond the limit of 4 kms, in violation of the Scheme framed by the Government.

5. Heard the contentions made on either side.

6. Admittedly, route permit is granted between Chettikulam school junction and Anandhandar Kudiyiruppu, which covers the distance of 7.2 kilometres and there is no intervening one way in the route. As submitted by the learned Additional Advocate General, if the petitioner plies little further in the same route, he has facilities to take a reverse and return to the



origin point viz Chettikulam Junction. In such circumstances, he cannot ask for extension of a route with oblique motive to ply a long distance.

7. Considering the same, the Regional Transport Authority has rightly rejected the request for extension of permit and the State Transport Appellate Tribunal also confirmed the same by way of the impugned order. Hence, I do not find any infirmity in the order. In stead of taking a U turn, the petitioner can further go in the two way, by following the norms set out in the Scheme framed by the Government of Tamil Nadu.

8. 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 14.07.2008, 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.

9. 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-III)

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.K.Sathiya Singh, Advocate Sr.No.73320

VS

VB/KAK/SAR3/23.08.2018/3P/4C