



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.11713 of 2018

and

W.M.P (MD) Nos.10647 and 14294 of 2018

S.Rajendraprasad

... Petitioner

vs.

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner's Mini Bus to operate via Savariyor Church junction, Chettikulam Junction, Court Road from Melakaruppakottai to C.B. Hospital route bearing registration No.TN-74-E-7014 as per the Transport Commissioner's Circular letter in R.No.90919/E2/2000, dated 29.11.2000.

For Petitioner: Mr.H.Velavadhas

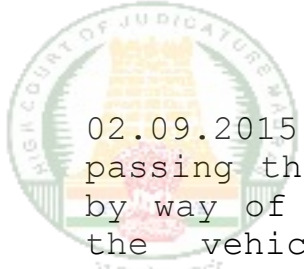
For Respondent: Mr.D.Muruganandam

Additional Government Pleader

ORDER

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner's Mini Bus bearing registration No.TN-74-E-7014, to operate from Melakaruppakottai to C.B. Hospital route via Savariyor Church junction, Chettikulam Junction, Court Road, as per the Transport Commissioner's Circular letter in R.No.90919/E2/2000, dated 29.11.2000.

2.The petitioner's vehicle bearing registration No.TN-74-E-7014 was issued with the permit for the route from C.B. Hospital to Melakaruppakottai and from Melakaruppakottai to CB Hospital via Vadasery Junction, Anna Stadium, Manimedai Junction, Anna Bus Stand, Vadiveeswaram. Since part of the permit road was declared as one way traffic, an alternate route was given to the petitioner's vehicle via Avvai Shanmugam Road, Oluginaseri Junction, Vadasery Junction and SM RV School, by order dated



02.09.2015 of the Regional Transport Authority. Even before passing the abovesaid order, the petitioner approached this Court by way of W.P(MD)No.14475 of 2015 seeking the same relief to run the vehicle through Savariyor Church Junction, Chettikulam Junction, Court Road. In that writ petition, this Court, by order dated 18.08.2015, has passed an order, directing the petitioner to run the vehicle in the alternate route as directed by the Traffic Police Officer till 26.08.2015 and thereafter, the said order was extended by this Court until further orders. On 02.09.2015, the Regional Transport Officer, Traffic Police and the District Collector, Kanyakumari, has passed an order granting alternate route to all the vehicles which are running through the one way traffic and that order was not challenged by any of the mini bus operators. W.P(MD)No.14475 of 2015 is still pending for adjudication.

3.It is unfortunate that when the said writ petition with the same prayer is pending for adjudication, the present writ petition has been filed by the petitioner suppressing the filing of the earlier writ petition and interim order has been obtained. In my considered opinion, the present writ petition is only an abuse of process of the Court.

Hence, this Writ Petition is dismissed. No costs. The interim order already granted is vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To
The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

+ 1 CC TO MR.H.VELAVADHAS , ADVOCATE IN SR NO.84593
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BU/PM/SAR-IV :15.10.2018 : 2P/3C