



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2018
CORAM :
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

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W.P(MD)No.11712 of 2018
and
W.M.P(MD)No.10646 of 2018

Krishnamoorthi

... Petitioner

vs.

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

... Respondent

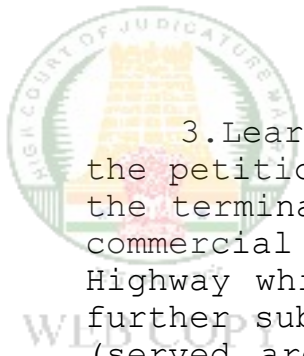
Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner's Mini Buses into the Palliyadi bearing registration Nos.TN74 E 7205 and TN74 Y 1258 as per the Transport Commissioner's Circular letter in R.No.90919/E2/2000, dated 29.11.2000 while ply on the route Palliyadi to Keelakalkurichi.

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 Buses bearing registration Nos.TN74 E 7205 and TN74 Y 1258, into Palliyadi as per the Transport Commissioner's Circular letter in R.No.90919/E2/2000, dated 29.11.2000, while ply on the route Palliyadi to Keelakalkurichi.

2.Learned counsel for the petitioner would submit that he has obtained mini buses permits in proceedings R.No.53037/A3/16 P.C.No.98/TN74Z/2006, dated 23.11.2016, from Azhagiamandapam to Keelakalkurichi (via) Manali, Government Hospital, Mettukadai, Thuckalai Bus Stand, Ramanparambu, Muthalakuricy. According to the petitioner, his mini buses' terminal point is Azhagiamandapam which is situated at National Highway from Kanyakumari to Trivandrum and the said Highway is very highly traffic area and hence, the petitioner has not picked up and set down the passengers in the terminal point. Therefore, he has made several representations to the respondent for permission to U turn the bus in the nearest place of Palliyadi. The said Palliyadi route is situated at the unserved area nearest to Azhagiamandapam and already, the Transport Commissioner issued a circular Letter in R.No.90919/E2/2000, dated 29.11.2000, permitting to operate the mini buses in the nearest bus stand.



3. Learned counsel for the petitioner would further submit that the petitioner operated the mini buses in the permitted route and as the terminal point Azhagiamandapam is a National Highway and also a commercial area, he is not able to take U turn in the National Highway which is a 30 feet road, due to traffic congestion. It is further submitted that the total distance of mini buses is 6.6. kms (served area 3.9 kms and 2.7 kms unserved area) and the circular issued by the Transport Commissioner permits to operate the mini bus in the nearest area of the bus stand or any terminal point to use the mini buses for U turn only and therefore, the petitioner had given a representation to the respondent which was not considered by the respondent and therefore, he is before this Court.

4. The respondent filed counter stating that Azhagiamandapam is the terminal point of the route granted to the petitioner and the said terminal point is situated on the National Highway and the terminal point is present before the petitioner obtained permit in 2006 and the road has not been declared as National Highway after the grant of said permit. The respondent would further state that Palliyadi is situated 8 kms in the opposite direction from the terminal point and permissible overlapping distance in served sector is limited to 4 kms only and since 3.9 kms has been availed by the petitioner, only 100 meters is yet to be availed. Further, under the Special Act 1996, any curtailment, extension and variation of any route is not permissible. The respondent would also state that there is a petrol bunk near Azhagiamandapam bus stop which provides adequate space for turning of the vehicle. Even as per the circular instructions issued in Letter R.No.90919/E2/2000, dated 29.11.2000, the mini buses were authorised to touch the bus stand, if the bus stands are located in the permitted route and within the overlapping distance of 4 kms and therefore, the circular also is not in favour of the petitioner.

5. It is further submitted that the petitioner has operated his mini bus in the said route for more than a decade without extending the route and presently, no road repair works, diversion in the route is being taken up at the terminal point and if the permit is not extended to Palliyadi, the operation of the mini bus in the route permitted in the original permit will not be affected in any manner and therefore, prayed for dismissal of the writ petition.

6. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

7. As rightly contended by the learned counsel for the respondent, the permissible overlapping distance in served sector is only 4 kms and the petitioner has already availed 3.9 kms and the Circular in Letter R.No.90919/E2/2000, dated 29.11.2000, also does not come to his rescue, as the circular also authorises mini buses to touch the bus stand, if the bus stand is located in the permitted route and within the overlapping distance of 4 kms and therefore, the circular also does not favour the petitioner and therefore, this



Court is not inclined to grant the relief sought for and the writ petition is devoid of merits.

Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

+1CC to Mr.H.Velavadhas, Advocate, SR.No.84594
+1CC to the Special Government Pleader SR.No.84886

W.P(MD) No.11712 of 2018
17.09.2018

BALA
ES/SKN/RSK/SAR 4/23.10.2018/3P/4C