



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.12184 of 2018

WEB COPY

S.Pauldurai

: Petitioner

Vs.

1. The Regional Transport Authority,
Tirunelveli.

2. The State Transport Appellate Tribunal,
Chennai-600 104.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to consider and dispose of the representation dated 14.03.2018 to implement the order of the second respondent made in Appeal No.138 of 2013, dated 15.05.2014 for grant of Mini Bus permit forthwith.

For Petitioner

: Mr.T.Padmanabhan

For Respondents

: Mr.A.Muthukaruppan,

Additional Government Pleader

ORDER

The petitioner has come forward with the present Writ Petition seeking for the issuance of a Writ of Mandamus, directing the first respondent herein to consider and dispose of the representation dated 14.03.2018 to implement the order of the second respondent made in Appeal No.138 of 2013, dated 15.05.2014 for grant of Mini Bus permit forthwith.

2. Against the rejection of the request of the petitioner for Mini Bus permit, he preferred an appeal to the State Transport Appellate Tribunal, Chennai. The Tribunal, in M.V.Appeal.No.138 of 2013, set aside the order of the Regional Transport Authority and remitted the matter back for fresh consideration. The operative portion reads as under:

"Thus, both the points are answered accordingly.

10. In the result, this appeal is allowed and the order passed by the Regional Transport Authority, Thoothukudi, made in Proc.R.No.34173/C1/2006, dated 01.08.2013 is set aside. The matter is remitted back to the Regional Transport Authority, for fresh consideration in accordance with law and as per Motor Vehicles Act,



1988, the rules made there under, the new Comprehensive Scheme, 2011, which came into force on 23.02.2011 and more particularly, keeping the following two points such as,

i) if the present route of the appellant applied for is identical and similar to that of the route proposed to be identified by the Regional Transport Authority, as per New Scheme, 2011 in future;

ii) in the event of the appellant qualifies himself to all the eligible criteria under the new Scheme, 2011."

3. Thereafter, the petitioner has submitted a representation on 14.03.2018 and the same is pending before the Regional Transport Authority without any consideration. Aggrieved over the inaction of the first respondent, the petitioner is before this Court with the present Writ Petition.

4. Considering the facts and circumstances of the case, a direction is issued to the first respondent to consider and dispose of the representation made by the petitioner dated 14.03.2018, if it is in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. A further direction is issued to the first respondent to afford personal hearing to the petitioner before taking a decision.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Authority,
Tirunelveli.

2. The State Transport Appellate Tribunal,
Chennai-600 104.

+1cc to Mr.T.Padmanabhan, Advocate Sr.No.67342

+1cc to SPECIAL GOVERNMENT PLEADER, Sr.No.67595

SML

MK/SV MMS/SAR 2/18.06.2018/2P/5C