



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P(MD)No.15909 of 2014

and

M.P(MD)No.1 of 2014

Sri Balaji Bus Service,
T.Chandrasekaran,
No.30, Bye Pass Road,
Sattur - 626 203.

... Petitioner

Vs.

1.The Secretary,
Regional Transport Authority,
Virudhunagar.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye Pass Road,
Madurai.

3.The Deputy Manager - Commercial,
Tamil Nadu State Transport Corporation Ltd.,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the first respondent herein to issue directions to the respondents 2 and 3 herein forbearing them to ply its bus bearing Registration No.TN-67-N-0340 ahead timings of the petitioner's bus bearing Registration No.TN-67-AA-4746 plying on the route Sivakasi Bus Stand to Valayapatti (via), Vilampatti, Kakkivadanpatti, Alangulam and Sivakasi, unless proper fixation of timings in accordance with law.

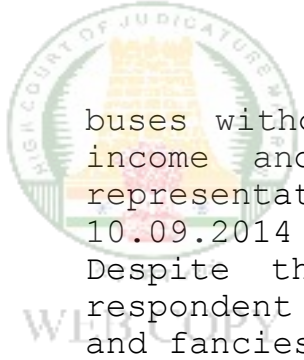
For Petitioner : Mr.T.Padmanabhan

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader for R.1

Mr.A.Jeyaram for R.2 & R.3

ORDER

The petitioner is a transport operator. He plies the vehicle from Sivakasi to Alangulam. The grievance of the petitioner is that there is a time schedule given by the first respondent - Regional Transport Authority. Whereas the second respondent is operating four



buses without adhering to the time schedule, because of which, his income and business are affected. Hence, the petitioner made representations to the second respondent on 11.08.2014 and 10.09.2014 under notice to the third respondent and other officials. Despite the representation made by the petitioner, the second respondent is alleged to have operated their buses at their whims and fancies without adhering to the time schedule.

2. The learned Counsel for the petitioner would contend that only because the buses are belonging to the Tamil Nadu State Transport Corporation, they cannot take the law into their hands and operate the vehicles according to their sweet will. The first respondent has also not taken any action against the second respondent Corporation. Hence, this writ petition is filed.

3. Per contra, learned Special Government Pleader appearing for the first respondent would submit that there is a time schedule for the petitioner as well as the second respondent and there is a lot of time gap between the petitioner's bus and the buses of the second respondent Corporation and therefore, there is no occasion for the petitioner to get affected. Therefore, the buses of the second respondent Corporation are operated at different timings and they do not coincide the petitioner's timings. Since there is no merit in the writ petition, it has to be dismissed.

4. Whereas the learned Counsel for the respondents 2 and 3 would submit that they are operating their buses by strictly adhering to the timings and they are not interfering with the petitioner's business and it will not affect the income of the petitioner.

5. Heard the rival submissions.

6. From the time schedule produced by both the parties, it is seen that specific timings were given to both the petitioner's bus as well as the buses of the second respondent Corporation. It is expected that both the transport operators shall adhere to the time schedule fixed by the first respondent. If at all, is there any grievance, the petitioner shall approach the first respondent and in that event, the first respondent is directed to consider the representation of the petitioner. Since the entire issue revolves around the factual disputes, this Court cannot determine the dispute between the parties under Article 226 of the Constitution of India.

7. At this juncture, the learned Counsel for the petitioner would submit that it is only a tentative time schedule, but no time schedule as per Rule 248 of the Tamil Nadu Motor Vehicles Rules, 1989, has been finalised by the first respondent.

8. Considering the same, the first respondent is directed to consider the said issue also, when there is a complaint from the petitioner in this regard.



9. With the above observations, this writ petition is disposed of as above. No costs. Consequently, the connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar

To

- 1.The Secretary,
Regional Transport Authority,
Virudhunagar.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye Pass Road,
Madurai.
- 3.The Deputy Manager - Commercial,
Tamil Nadu State Transport Corporation Ltd.,
Virudhunagar.

+1CC to Mr.T.Padmanabhan Advocate in SR.No.67341.

+1CC to Special Government Pleader in SR.No.67599.

RSB

DS/SV/MMS/SAR-4 :25.06.2018: 3P/6C

W.P(MD)No.15909 of 2014
and
M.P(MD)No.1 of 2014
08.06.2018