

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**W.P (MD) No.14097 of 2018**

N.Henry

... Petitioner

Vs.

1. The District Collector and
Regional Transport Authority,
Kanyakumari District,
Collectorate,
Nagercoil Post,
Kanyakumari District.
2. The Regional Transport Officer,
Marthandam at Kozhiporvilai,
Mulagumoodu Post,
Kanyakumari District.
3. Palanisamy,
The Regional Transport Officer,
Marthandam at Kozhiporvilai,
Mulagumoodu Post,
Kanyakumari District.
4. S.Subathra Chandra

... 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 to initiate appropriate action against the second respondent and also seize and cancel the permit of the fourth respondent for the violation of the route permit conditions, within the time to be stipulated by this Court.

For Petitioner : Mr.M.Vinoth Singh Misra

For Respondents : Mr.S.Dhayalan
Government Advocate for R.1 to R.3
Mr.A.C.Asai Thambi for R.4

ORDER

Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.A.C.Asai Thambi, learned Counsel takes notice for the fourth respondent.



2. By consent, the writ petition itself is taken up for final disposal.

3. According to the petitioner, he filed a representation on 04.05.2018 to the District Collector, Kanyakumari District, the first respondent herein with regard to the unauthorised plying of mini buses in the route permit granted to him. However, no response is forthcoming on the side of the first respondent and hence, the petitioner is before this Court.

4. Per contra, the learned Counsel for the fourth respondent would submit that the petitioner is also indulging in all illegalities and the allegations made against the fourth respondent are without any basis.

5. I have heard rival contentions.

6. Instead of going into the factual aspects, this Court is of the opinion that the first respondent - District Collector and the Regional Transport Authority, Kanyakumari District, shall conduct an enquiry into the illegalities committed by the mini bus operators violating the route permit granted to them and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that an opportunity of personal hearing shall be given to all the parties concerned while conducting the aforesaid enquiry.

7. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(AS)

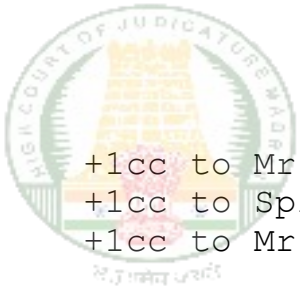
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Sub Assistant Registrar(CS-IV)

To

1. The District Collector and
Regional Transport Authority,
Kanyakumari District,
Collectorate,
Nagercoil Post,
Kanyakumari District.

2. The Regional Transport Officer,
Marthandam at Kozhiporvilai,
Nagercoil Post,
Kanyakumari District.



+1cc to Mr.M.Vinoth Singh Misra,Advocate Sr.No.76348
+1cc to Spl.Government Pleader Sr.No.76177
+1cc to Mr.A.C.Asai Thambi,Advocate Sr.No.76352

RSB

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VB/KAK/SAR4/11.08.2018/3P/6C

W.P(MD)No.14097 of 2018
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