



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.22698 of 2015

and

M.P. (MD) .No.1 of 2015

and

W.M.P. (MD) .Nos.4159 and 5226 of 2017

and

W.M.P. (MD) .No.1193 of 2018

S.Siva Shenbagakumar

: Petitioner

Vs.

1.The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

2.The State Transport Appellate Tribunal,
City Civil Court Buildings,
High Court Campus,
Chennai-104.

3.The Management,
through the General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil Region, Ranithottam,
Kanyakumari District.

: Respondents

(R-3 is impleaded vide court order dated 05.01.2016 in W.MP.(MD).
No.69 of 2016)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 03.11.2015 of the 2nd respondent made in Appeal No.61 of 2015 and quash the same as being illegal, unreasonable and unconstitutional and consequently direct the 1st respondent to permit the petitioners mini bus to make use of Anna Bus Stand, Nagercoil for alighting the passengers, while operating the mini bus on the route.

For Petitioner
For Respondents

: Mr.C.K.Chandrasekaran
: Mr.K.Chellapandian
Additional Advocate General
assisted by Mrs.J.Padmavathy Devi
Special Government Pleader for R-1



Mr.K.Sathiya Singh for R-3
R-2- Tribunal

ORDER

The writ petitioner is a mini bus operator with the route permit between Chettikulam School to Melakrishnan Puthoor. He made a request to the Regional Transport Authority, Nagercoil, Kanyakumari District to permit him to operate his mini bus bearing Regn. No.TN-74-F-0355 upto Anna Bus stand. The route permit granted is between Chettikulam School to Melakrishnan Puthoor via Beach Road, NGO colony, South Keezhakrishnan Vilai Road, Kunchanvilai Junction, Vellan Villai, Government School, Pillayarpuram West, Koilvilai Turning and Athikattuvilai.

2. His request was rejected by the Regional Transport Authority in R.No.2062/A2/2015. Against which, he preferred an appeal before the State Transport Appellate Tribunal, Chennai in M.V.Application No.61 of 2015. The same was dismissed by the Tribunal and aggrieved over the same, the petitioner is before this Court.

3.The grievance of the petitioner is that there is no parking near the destination point i.e Chettikulam School Junction. The police is restraining the petitioner from stopping the bus for the purpose of boarding and alighting the commuters. Further, there is no facility for turning the bus. Therefore, he has to compulsorily take a diversion from the Vepamodu Junction to reach Chettikulam School junction in the return direction. Therefore, while going towards Anna Bus Stand, he should be permitted to enter into the bus stand also.

4.Controverting the case projected by the petitioner, the learned Additional Advocate General, appearing for the first respondent would vehemently contend that the petitioner need not take a left turn to go to one way and on the other hand, in order to go into the route between Chettikulam school junction and Melakrishnan Puthoor, he can go further ahead and reverse the bus and park the bus thereof. In stead of utilizing the available facilities, the petitioner, with an ulterior motive, the petitioner asked extension of permit beyond the limit of 4 kms in the Scheme framed by the Government.

5. Heard the contentions made on either side.

6. Admittedly, route permit is granted between Chettikulam school junction and Melakrishnan Puthoor, which covers the distance of 6.4 kilometres and there is no intervening one way in the route. As submitted by the learned Additional Advocate General, if the petitioner plies little further in the same route, he has facilities to take a reverse and return to the origin point viz Chettikulam Junction. In such circumstances, he cannot ask for extension of a route with oblique motive to ply a long distance.



7.Considering the same, the Regional Transport Authority has rightly rejected the request for extension of permit and the State Transport Appellate Tribunal also confirmed the same by way of the impugned order. Hence, I do not find any infirmity in the order. In stead of taking a U turn, the petitioner can further go in the two way, by following the norms set out in the Scheme framed by the Government of Tamil Nadu.

8.In this regard, a Honourable Division Bench of this Court in W.A.No.582 of 2008, dated 14.07.2008, in the case of Regional Transport Authority, Dharmapurai and another Vs. Banumathy Vijayan, held that the Courts cannot extend the permit or grant any extension in overlapping the served sector

9.I am in agreement with the findings of the Honourable Division Bench of this Court and accordingly, I dismiss the writ petition as it merits no consideration. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1.The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

2.The State Transport Appellate Tribunal,
City Civil Court Buildings,
High Court Campus,
Chennai-104.

+1CC to Mr.C.K.Chandrasekar Advocate in Sr.No.73223.

VS
DS/SKN-RSK/SAR-1 :06.08.2018: 3P/4C

Order made in
W.P (MD) No.22698 of 2015
16.07.2018