



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19805 of 2018

S.Moorthy

... Petitioner

Vs.

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

2.The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to permit the petitioner's Minibus TN 74M 7197 and TN 74 L 3052 operating to Savariyorkovil Junction, Chettikulam Junction, Gopalapillai Hospital as per the Transport Commissioner circular letter in R.No.90919/E2/2000 dated 29.11.2000, while ply on the route Vadasary Bus stand to Gnanam Nagar or otherwise.

For Petitioner : Mr.S.Sivanesan

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The petitioner is an operator of mini buses. His specific grievance is that on account of installation of a cross bar on the permitted route, he is not able to ply his buses. He therefore seeks deviation of the route. The petitioner filed a representation in this regard. Since, no orders were passed thereon, the present writ petition came to be filed.

2.Even while opposing the petitioner's request, the second respondent has admitted in his counter affidavit as follows:

"7. It is respectfully submitted that the overall height of the minibuses are about 3 meters only and the cross bar is laid exactly at 3 meters and increasing the height of the cross bar is not forbidden and by representation to the respective authorities to increase



the height of the pole by another 10 cms resolves the problems."

3.This prima facie indicates that the grievance projected by the writ petitioner is true and genuine. But then by issuing a writ of mandamus, the petitioner cannot be permitted to deviate from the permitted route. In such matters, the authorities must take a call and pass written orders. Only then, the same can be tested. Ofcourse, such an order should be passed after putting the interested parties on notice. But then, the matter cannot be brook any further delay. The petitioner filed his representation on 13.07.2018. The writ petition itself came to be filed on 11.09.2018. The respondents are thus aware of the problem.

4.Therefore, the first respondent is directed to pass orders on the petitioners representation dated 13.07.2018 on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. It is needless to mention that if any other operator is interested they are also be heard and they shall also be put on notice. In any event, the final orders will have to be passed within a period of three weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-IV)

pnn

To

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

2.The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

+1cc to Mr.S.Sivanesan, Advocate in SR No.96633

+1cc to Spl Government Pleader, SR No.96555

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