



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.19742 & 19716 of 2017

and

W.M.P. (MD) . Nos.16011 & 15994 of 2017

Nagasundaram

.. Petitioner in
both Writ Petitions

Vs.

1. The District Collector cum
Regional Transport Authority,
Collectorate, Dindigul.
2. The Regional Transport Officer,
Office of the Regional Transport Officer,
Dindigul.

.. Respondents in
both Writ Petitions

PRAYER in W.P.(MD)No.19742 of 2017 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to permit the petitioner to operate his Mini Bus bearing Registration No.TN 49-V-1683 on the diverted route from Nagal Nagar TVS Shed to Seelapadi via, Railway Station-Police Quarters (Taluk Police Station) through Bus Stand, Government Hospital and St. Joseph Hospital Road instead of Nagal Nagar TVS Shed to Seelpadi Via, Mengles Road - EB Office - Aarthi Theatre Road.

PRAYER in W.P.(MD)No.19716 of 2017 : Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to permit the petitioner to operate his Mini Bus bearing Registration No.TN 49-Z-8889 on the diverted route from Uzhavarsanthai North Gate to Seelapadi via, G.T.N.Road Junction - Police Quarters (Taluk Police Station) through Bus Stand, Government Hospital and St.Joseph Hospital Road instead of Uzhavarsanthai North Gate to Seelapadi Via, Renganathapuram, Masilamanipuram, G.T.N.Road Junction, Aarthi Theatre.



For petitioner : Mr.J.Lawrance
For respondents : Mr.K.Saravanan
Government Advocate
(in both Writ Petitions)

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COMMON ORDER

Heard Mr.J.Lawrance, learned Counsel for the petitioner in both Writ Petitions and Mr.K.Saravanan, learned Government Advocate appearing for the respondents in both Writ Petitions.

2. The petitioner is a Mini Bus operator. He is a holder of two mini bus permits. On account of declaration of a portion of the permitted routes as one-way, the writ petitioner is experiencing difficulty in plying his bus, as per the permitted routes. Therefore, the petitioner has been operating his two mini bus on diverted routes. The sketch of the diverted routes has also been enclosed in the typed set of papers. Since the writ petitioner is facing objection from the police authorities, while operating on the diverted routes, he submitted a representation to the first respondent. Orders are yet to be passed thereon. Seeking relief from this Court, these two writ petitions have been filed.

3. The learned counsel appearing for the petitioner referred to Section 66(3)(m) of the Motor Vehicles Act, 1988. The said provision has been construed by this Court in W.P.(MD).No.9587 of 2009 by order dated 18.09.2009. It was held that the phrase 'obstruction on the road' need not be construed in a literal sense of meaning, any tangible obstruction found on the road.

4. This Court is of the view that declaring a portion of the permitted route as one-way traffic would also fall within the circumstances set out in Section 66(3)(m) of the Motor Vehicles Act, 1988. This Court in the aforesaid writ petition directed the authorities to pass orders on the representation and permitted the writ petitioner to operate on the diverted route till such orders were passed.

5. It is relevant to mention here that in the counter affidavit also the authority had referred to the fact that even though the one-way arrangements were made three years ago, the writ petitioner has been operating on the diverted route all these years without any hesitation.

In view of the aforesaid order and the stand taken by the authority in the counter affidavit, this Court is inclined to direct the first respondent to pass orders on the representation submitted by the writ petitioner. The writ petitioner is permitted to ply his mini buses on the said diverted routes as he has been doing all these months till such orders were passed.



6. These Writ Petitions are allowed, as indicated above. No costs. Consequently the connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector cum
Regional Transport Authority,
Collectorate, Dindigul.
2. The Regional Transport Officer,
Office of the Regional Transport Officer,
Dindigul.

+ 2 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR Nos. 43927, 43928
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44003, 44004

KMI

TE/MR/SAR-4 : 15/02/2018 : 3P/6C

ORDER MADE IN
W.P. (MD) No.19742 & 19716 of 2017 and
W.M.P. (MD). Nos.16011 & 15994 of 2017
23.01.2018