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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **02.02.2018**
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 24027 of 2017

R.Kaveri .. Petitioner

Vs.

The Secretary,
Regional Transport Authority,
Sivagangai District. .. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to consider the representation of the petitioner dated 15.11.2017 and thereby permit the petitioner to operate the petitioner's vehicle on the varied route as implemented under the proceedings of the respondent dated 15.04.1996 within the time stipulated by this Court.

For petitioner : Mr. Pala. Ramasamy
For respondent : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

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Mr. J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the respondent.

2. Heard the learned Counsel on either side.

3. The petitioner is a holder of Stage carriage permit in respect of Route Bus bearing Registration No.TN 63 7979 replaced by TN 63 B 6464 which is plying on the route from Madurai to Rankiyam Mettu (via) Melur, Thiruppatthur, Nerkuppai and Sevvoor. The petitioner got the said permit transferred from one Angusamy. Before Angusamy, one Sundaram was the permit holder. Originally one Kathirvelu was the holder of the permit. In favour of the said Kathirvelu, variation orders were issued as early as on 15.04.1996. Subsequently, by virtue of Tamil Nadu Motor Vehicle (Special Provisions) (Cancellation of variation of Conditions of Permit) Act 1996, all the variation orders were set aside.

4. A batch of writ petitions were filed before this Court and the Hon'ble Division Bench of this Court in the decision reported in **2003 (4) CTC 12 - R.Srinivasan vs. State of Tamil Nadu,** declared the said Act as unconstitutional. A direction was issued to the Regional Transport Authorities concerned to permit

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the vehicle of the petitioners to operate the stage carriage service on the respective varied routes as per the earlier orders passed pursuant to the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Act 41 of 1992).

5. Unfortunately, the petitioner's predecessor in-title did not chose to avail the benefit of the order passed by the Hon'ble Division Bench of this Court. The matter was allowed to remain as if it is. After the lapse of 21 years, the issue is sought to be agitated. The petitioner seeks enforcement of the variation order dated 15.04.1996.

6. The learned Additional Government Pleader on instructions submitted that the respondent authority opposes the prayer on the ground that due to efflux of time, others are presently operating in the same sector.

7. This Court find force in the objection raised by the Additional Government Pleader appearing for the respondent. The writ petitioner is only a subsequent transferree. The issue that sought to be agitated is more than two decades old. The writ petitioner cannot be permitted to operate on the cancelled/varied route, which was granted in the year 1996. Therefore, on ground of laches this Court dismisses the Writ Petition.

8. This Writ petition is dismissed accordingly. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

The Secretary,
Regional Transport Authority,
Sivagangai District.

+1cc to The Spl. Government Pleader Sr.No.46567
+1cc to Mr. Pala. Ramasamy, Advocate Sr.No.46282

KMI
VB/PN/SAR1/11.07.2018/2P/4C

ORDER MADE IN
W.P.(MD).No.24027 of 2017
02.02.2018

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