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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.20855 of 2018

and

W.M.P. (MD) No.18633 of 2018

M.V.Sundaram

.. Petitioner

Vs.

1.The District Collector,
O/o the District Collector,
Tanjore,
Tanjore District.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam),
Kumbakonam Depot,
Kumbakonam,
Tanjore District.

.. Respondents

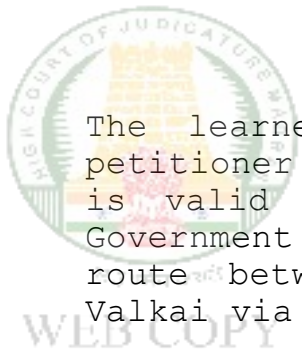
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of MANDAMUS, forbearing the respondents from intercepting the petitioner vehicle bearing Registration No.TN-68-4146 to enter and halt at Aringar Anna Moffusil Bus Stand to ply the stage carrier from Kumbakonam to Thiruvaidaicherry, in the strength of valid permit obtained by the petitioner and by considering the petitioner's representations dated 17.09.2018 and 21.09.2018, within a stipulated time limit.

For Petitioner	: Mr.C.Venkateshkumar For M/S. Ajmal Associates
For R.1	: Mr.R.Murugan, Additional Government Pleader
For R.2	: Mr.D.Sivaraman, Standing Counsel

ORDER

Heard the learned Counsel appearing on either side and perused the materials placed on record.

2. According to the petitioner, he is running a transport business in the name and style of "Sri Thiagarajan Transport" and his vehicle, bearing Registration No.TN-68-4146 is a stage carrier.



The learned Counsel for the petitioner would submit that the petitioner purchased the said vehicle on 18.10.2015 and the permit is valid upto 18.10.2020. As per the permission given by the Government in the year 1979, the vehicle is plying in the permitted route between Kumbakonam to Thiruvaidaicherry and Kumbakonam to Valkai via Nachiyar Kovil, Lavadi, Kokkoor.

3. The grievance of the petitioner that though he has the permit to ply the vehicle from Aringar Anna Moffusil Bus Stand, Kumbakonam, the second respondent is not allowing to pick and drop the passengers inside the Aringar Anna Moffusil Bus Stand. Despite valid permit, the second respondent and his subordinates are intercepting the petitioner's bus from entering into the Aringar Anna Moffusil Bus Stand and therefore, the petitioner has made a detailed representation dated 17.09.2018 to the first respondent. However, no response is forthcoming and hence, the petitioner is before this Court seeking a Writ of Mandamus, forbearing the respondents from intercepting the his vehicle bearing Registration No.TN-68-4146 to enter and halt at Aringar Anna Moffusil Bus Stand.

4. Learned Standing Counsel appearing for the second respondent, on instructions, would submit that earlier there was only one bus stand in Kumbakonam and now, there are two bus stands, namely, Aringar Anna Moffusil Bus Stand, meant for Moffusil operations and Municipal Town Bus Stand, meant for Town operations. In other words, town services in Kumbakonam are operating only from Municipal Town Bus Stand. The petitioner's vehicle is eligible for town services and therefore, the request of the petitioner, as such, could not be granted. Due to administrative reasons, such bifurcation of bus stands and services were carried out and therefore, he prays for dismissing the present writ petition.

5. At this juncture, learned Counsel for the petitioner submitted that taking note of the interest of general public, permission was granted to his vehicle and right from 1979, the vehicle is entering into Aringar Anna Bus Stand. A valid permit stands in their favour. Therefore, he confines his prayer and submitted that it would suffice if the representation of the petitioner dated 17.09.2018 is disposed of by the first respondent, on merits.

6. Considering the facts and circumstances of the case and also the limited scope of relief sought for, this Court, without adverting into the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 17.09.2018 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of personal hearing to the parties concerned, within a period of two weeks from the date of receipt of a copy of this order.



7. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

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/True Copy/

Sub Assistant Registrar(CS I)

To

The District Collector,
O/o the District Collector,
Tanjore,
Tanjore District.

1CC TO M/S. AJMAL ASSOCIATES ADVOCATES SR 89382

1CC TO THE SPL GOVT PLEADER SR 89419

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