



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P (MD) No.19414 of 2016
and
W.M.P (MD) No.13990 of 2016

N.Saraswathi

... Petitioner

Vs.

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the respondent to permit the petitioner's Mini Buses bearing Registration Nos.TN-74-AA-0985 and TN-74-AL-7446 inside Vadasery Christopher Bus Stand as per the Transport Commissioner's Circular Letter in R.No.90919/E2/2000, dated 29.11.2000 while plying on the route, viz., Parakkai to Nagercoil Anna Stadium forthwith.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.B.Bhagavathi
Government Advocate

ORDER

The petitioner is a mini bus operator permitted to operate between Parakkai and Vadasery Anna Stadium, via, Parakkai Government School, Chettitheru Vilakku, Kulathoor, Annaipalam, Anna Bus Stand, Tower Junction, Anna Stadium. In the return direction, the route between Vadasery Anna Stadium and Anna bus stand is declared as One Way and therefore, the petitioner has to go through Vadasery Bus Stand and Oluginaseri, to reach Anna Bus Stand.

2. According to the petitioner, his route permit was granted to the extent of 3.8 Kms., in the served sector and he is entitled to run upto 4 Kms., and Vadasery Bus Stand and Anna Stadium are within the statutory limit of 4 Kms., in the served sector and therefore, he should be permitted to enter through Vadasery Bus Stand while plying in the return direction. The claim of the petitioner cannot be rejected on the pretext that he is forced to ply his bus in the circuitous route to reach Anna Bus Stand due to introduction of One Way as a subsequent development and therefore, it cannot be said that he exceeds 4 Kms., in the served sector.

<https://hcservices.ecourts.gov.in/hcservices/>

3. I have heard the rival contentions.



4. The Transport Commissioner, vide Letter R.No.90919/E2/2000, dated 29.11.2000, has issued instructions to all the Regional Transport Authorities to the effect that the mini buses which are operating within 4 Kms., in the served sector, shall be permitted to enter the Bus Stands to achieve the object of the scheme to give the benefit of the scheme to the villagers.

5. Since the petitioner's route permit also lies within 4 Kms., limit, in view of the letter issued by the Transport Commissioner, the respondents have to pass appropriate orders.

6. In such circumstances, a direction is issued to the respondent to consider the representation of the petitioner, dated 25.07.2016, seeking to enter into Vadaseri Bus Stand, if it lies within 4 Kms., in the served sector and dispose of the same, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of as above. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-II)

To

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

+1cc to Mr.H.Velavadhas, Advocate, SR.No.73217.
+1cc to M/s.A.C.Asaithambi, Advocate, SR.No.73395.
+1cc to Special Government Pleader, SR.No.73269.

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rsb

RAM/SV/SAR 2/27.07.2018/2P/5C