



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD) No.21194 of 2018

and

W.M.P. (MD) Nos.19041, 19042 and 19043 of 2018

R.Sundaravathanam

... Petitioner

Vs

1.The Regional Transport Authority,
Office of the Regional Transport Authority,
Thanjavur.

2.The Secretary,
Office of the Regional Transport Authority,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent vide his proceedings in R.No.42096/B2/2011, dated 28.08.2018 and quash the same as illegal and consequently direct the respondents allow Petitioner's Mini buses bearing Registration Nos.TN49AK 5893 and TN 49 AM 3080 (since replaced) to enter into the Thanjavur Old Bus Stand instead of Palliagraharam as per the Transport Commissioner's Circular in Letter R.No.90919/E2/2000 dated 29.11.2000.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

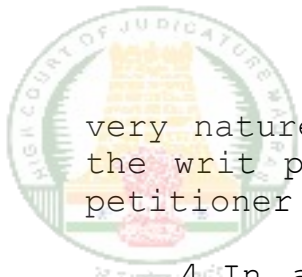
ORDER

The writ petitioner is a Stage Carriage Operator, plying a mini bus from Kalancherry to Palliagraharam. The petitioner wants to enter into Thanjavur old bus stand. By the order impugned in the writ petition, the said request was rejected.

2.The case of the writ petitioner is that the distance between Palliagraharam and Thanjavur old bus stand is 4 Kms. But according to the respondents the distance is 4.6 Kms. The stand of the authority is that Tamil Nadu State Transport Corporation, Kumbakonam has filed an application and that it is also presently operating in the sector. But this is denied by the writ petitioner.

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

3.Therefore, when there are such factual controversies, in the



very nature of things, an enquiry ought to have been conducted and the writ petitioner should have been heard. Only then, the writ petitioner could have placed the materials in support of his stand.

4. In as much as the impugned order came to be passed without hearing the petitioner, I am constrained to set aside the same. The order impugned in this writ petition is set aside and this writ petition is allowed by remanding the matter to the file of the first respondent. The first respondent shall issue notice fixing enquiry date. The first respondent shall hear not only the petitioner but also the Tamil Nadu State Transport Corporation, Kumbakonam and final orders shall be passed on the petitioner's request on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Regional Transport Authority,
Office of the Regional Transport Authority,
Thanjavur.
2. The Secretary,
Office of the Regional Transport Authority,
Thanjavur.
3. The Transport Authority,
Tamil Nadu Transport Corporation, Kumbakonam

+2cc to Mr.A.C.Asaitambi, Advocate, SR.No.100648
+1cc to M/s.Special Government Pleader, SR.No. 100916

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