



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :16.07.2018

CORAM:
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.9500 of 2017
and
W.M.P. (MD).No.7246 of 2017

S.Rajasekar : Petitioner
Vs.

1.The District Collector Cum
Regional Transport Authority,
Collectorate,
Kanyakumari District,
at Nagercoil.

2.The Regional Transport Officer,
Transport Office,
Nagercoil, Kanyakumari District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to permit the petitioner's bus to enter into Anna Bus Stand while plying from Vadasery Bus Stand to Thuvarankadu as per the Transport Commissioner's Circular dated 29.11.2000.

For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mrs.J.Padmavathy Devi
Special Government Pleader

ORDER

The writ petitioner is a mini bus operator with the route permit between Vadaseri Bus Stand to Thuvarancadu. He made a request to the Regional Transport Authority, Nagercoil, Kanyakumari District to permit him to operate his mini bus bearing Regn. No.TN-19B-0022 upto Anna Bus stand. The route permit granted is between Vadaseri Bus Stand to Thuvarancadu via Anna Salai, SMRV School, C.B.Hospital, Kalungadi Palam, Keezhaputheri Vilakku, Melaputheri Vilaku, Perchankulam, Post Office Erachakulam, Erachakulam High School, Sun Engineering, College, Navalkadu, Gnanadhasapuram and Mathias Nager Viluku.

2. The grievance of the petitioner is that even though he made a representation to the respondents on 05.05.2017, requesting them not to prevent his mini bus to enter into the Anna Bus Stand, the respondents have not taken any action sofar.



3. According to the petitioner, the object of Mini Bus Scheme is only to help poor commuters and therefore, his request is therefore justified. Originally, he is operating only upto the distance of 4 kilometres and if it is extended upto Anna Bus Stand, no one will be affected, since he is operating in the unserved sector only upto 9.2 kilometres.

4. Controverting the case projected by the petitioner, the learned Additional Advocate General, appearing for the first respondent would contend that the petitioner's bus is plying 4 kms in the served sector and 9.2 kms in the unserved sector and there is no intervening one way from Vadaseri Bus Stand to Thuvarancadu. He would vehemently contend that the petitioner need not take a left turn to go to one way and on the other hand, in order to go into the route between Vadaseri Bus Stand to Thuvarancadu, the petitioner can take a further reverse to accommodate the bus as well as to facilitate the parking of the bus thereof. In stead of utilizing the available facilities, the petitioner, with an ulterior motive, asked extension of permit beyond the limit of 4 kms, as per the Scheme framed by the Government.

5. Heard the contentions made on either side.

6. Admittedly, route permit has been granted between Vadaseri Bus Stand to Thuvarancadu, which covers the distance of 9.2 kilometres and there is no intervening one way in the route. As submitted by the learned Additional Advocate General, if the petitioner plies little further in the same route, he has facilities to take a reverse and return to the origin point viz Vadasery Bus Stand. In such circumstances, he cannot ask for extension of a route with oblique motive to ply a long distance.

7. Moreover, a Division Bench of this Court in W.A.No.582 of 2008, dated 14.07.2008, in the case of Regional Transport Authority, Dharmapuri and another Vs. Banumathy Vijayan, held that sofar, no law has been laid down to grant extension of transport permit beyond the permitted distance.

8. I am in agreement with the findings of the Honourable Division Bench of this Court. Accordingly, the writ petition is dismissed as it merits no consideration. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1.The District Collector Cum
Regional Transport Authority,
Collectorate,
Kanyakumari District,
at Nagercoil.

2.The Regional Transport Officer,
Transport Office,
Nagercoil,
Kanyakumari District.

+1CC to Mr.A.C.Asaithambi, Advocate, SR.No.73394

W.P (MD) No. 9500 of 2017
16.07.2018

VS

ES/SKN/RSK/SAR 4/28.08.2018/3P/4C