



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P (MD) No.15577 of 2013
and
M.P. (MD) Nos.1 to 3 of 2013

P.Hemalatha

.. Petitioner

Vs.

1.The Regional Transport Authority,
Madurai (North).

2.The Secretary,
Regional Transport Authority,
Madurai (North).

3.R.M.Veeramani

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent in R.No.8983/A3/2011 dated 14.06.2013 granting the minibus permit to the third respondent on the route "Yanaikkal Palam Meenakshi College to Kulamangalam" and to quash the same and further forbear the second respondent from holding the timing conference pursuant to his proceedings in R.No.8983/A2/2011 dated 21.08.2013.

For Petitioner: Mr.T.Padmanabhan

For R.1 & R.2 : Mr.R.Murugan,

Additional Government Pleader

For R.3

: Mr.T.Lajapathi Roy

ORDER

Aggrieved over the order of the first respondent in R.No.8983/A3/2011 dated 14.06.2013, granting the minibus permit to the third respondent on the route "Yanaikkal Palam Meenakshi College to Kulamangalam", this writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the same and to forbear the second respondent from holding the timing conference pursuant to his proceedings in R.No.8983/A2/2011 dated 21.08.2013.

2. Learned Counsel for the petitioner would submit that based on the judgment of this Court in W.A.(MD)No.105 of 2010, dated 17.02.2010, the authorities had passed the impugned order, thereby, granting permit to the third respondent. In the said



judgment, this Court has specifically directed the authorities to consider the case of the third respondent herein, not only on seniority but also on other aspects, viz., served sector limit, etc. The grievance of the petitioner is that the spirit of this Court's order was not followed by the authorities and hence, he is before this Court.

3. Learned Additional Government Pleader, on the other hand, would submit that the petitioner, after the filing of this writ petition, has preferred an appeal before the State Transport Appellate Tribunal, Chennai, in APP.No.142/2013/A6, which is still pending. He would further submit that the appeal is posted for further hearing on 28.11.2018, which is not refuted by the learned Counsel for the petitioner. Since the petitioner has already preferred an appeal, this writ petition is not maintainable for the very same cause of action and therefore, he prays for dismissing the writ petition.

4. Heard the learned Counsel on either side and perused the documents placed on record.

5. Perusal of record shows that the petitioner herein has filed an appeal before the State Transport Appellate Tribunal, Chennai, in APP.No.142/2013/A6, on 22.10.2013 itself, challenging the order of the first respondent in R.No.8983/A3/2011 dated 14.06.2013, which is impugned in the present writ petition. As the petitioner has already preferred a statutory appeal, parallel proceedings for same cause of action cannot be permitted.

6. Since it is stated that the appeal is posted for further hearing on 28.11.2018, this writ petition is disposed of, with a direction to the State Transport Appellate Tribunal, Chennai, to dispose of the appeal of the petitioner in APP.No.142/2013/A6, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Regional Transport Authority,

Madurai (North) .
<https://hcservices.mca.gov.in/hcservices>



2.The Secretary,
Regional Transport Authority,
Madurai (North).

3.State Transport Appellate Tribunal,
Chennai.

+ 1 CC TO MR.T.PADMANABHAN, ADVOCATE IN SR NO.15577
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.90160

GK

BU/RP/SAR-1 :01.11.2018 : 3P/6C

Order made in
W.P (MD) No.15577 of 2013
and
M.P. (MD) Nos.1 to 3 of 2013
10.10.2018