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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2018
CORAM
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.7750 of 2013
and
M.P. (MD) No.1 of 2013

S.Rajasekar

... Petitioner

Vs.

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

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondent herein and their subordinates from interfering or creating any trouble or problem to the petitioner to ply his mini bus bearing Reg.No.TN-49-A-0232 touching the Vadasery Christopher Bus Stand at Nagercoil, within the 4 kms served sector as per the proceedings of the Transport Commissioner, Chennai, in Lr.R.No.90919/E2/2000 dated 29.11.2000 and to consider the petitioner's representation dated 16.04.2013.

For Petitioner : Mr.H.Thayumanasamy
For Respondent : Mr.D.Muruganandam,
Additional Government Pleader

ORDER

Heard the learned Counsel appearing on either side.

2. The petitioner, who is the owner of the Mini Bus bearing Registration No.TN-49-A-0232, is operating a mini stage carriage on the route Vadasery (MGR Statue) to Navalkadu via Puliyadi Junction, Keezhaputheri Junction, Keezhaputheri, Putheri Junction, Erachakulam Junction, Sun Nagar and Navalkadu, as per the permit issued by the respondent. The said permit is valid upto 23.11.2010.

3. It is stated that as per the Government Mini bus scheme, for the welfare of the rural area people, a mini bus permit will be issued to those who are willing to operate the Mini bus upto 20 kms, in which, 16 kms should be unserved area, where no buses are operating and the remission of 4 kms should be served sector, where corporation or private sector are operating.



4. In the present case on hand, the length of the route is 11.3 kms, ie., less than 20 kms, of which, the served sector is 3.7 kms and the unserved sector is 7.6 kms.

5. According to the petitioner, his permit ends with MGR Statue and the passengers, who want to alight at Vadasery (Christopher) Bus Stand, which is in 500 meters distance, find it difficult to get in the petitioner's vehicle, as they have to walk the said distance from MGR Statute. Moreover, the ending point of the petitioner, ie., MGR Statute is highly traffic congested area and therefore, the Police are not permitting the petitioner to stop his vehicle and allow the passengers to get down near the MGR Statute. Hence, the petitioner, for the convenient of the general public at large, has made a request to the authorities to permit him to operate his mini bus service upto Vadasery (Christopher) Bus Stand, but, the authorities are yet to consider the request.

6. The learned Counsel for the petitioner, in this regard, would invite the attention of this Court to the Circular of the Transport Commissioner, dated 29.11.2000, in Lr.R.No.90919/E2/2000, whereby, the authorities are instructed to permit the Mini buses to go inside the Bus Stands, subject to the condition that the overlapping distance of 4 kms should not exceed in the served sector, so that the benefit of the scheme reaches the general public in full.

7. The learned Additional Government Pleader, on instructions, would submit that under the scheme, the petitioner can be permitted upto 4 kms in the served sector and if the petitioner is permitted to operate the mini bus upto the proposed place, then he will be crossing the limit of 4 kms. To that effect, the learned Additional Government Pleader has produced a copy of the communication received from the respondent, wherein, it is stated that the petitioner is now covering the served sector of 3.7 kms and after permitting for another 0.5 kms, ie., 500 meters, the coverage in the served sector will be 4.2 kms, ie., the petitioner will be crossing the limit of 4 kms.

8. This Court perused the materials placed on record.

9. Since the petitioner is seeking permission for the convenient of general public, for whose facility the transport, either bus or train, is intended and for whose livelihood, such scheme is introduced by the Government, the interest of the general public has to be considered.

10. Moreover, even according to the respondent, by allowing the petitioner to go upto the proposed place, the coverage area in served sector would be 4.2 kms, ie., 0.2 kms (200 meters), which is a negligible one. Therefore, the respondent is directed to permit the petitioner to run the mini bus upto Vadasery (Christopher) Bus Stand.



11. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS-III)

Sub Assistant Registrar(CS-I)

To

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

+1CC to Mr.H.Thayumanasamy, Advocate, SR.No.80992
+1CC to the Special Government Pleader SR.No.81302

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GK

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