

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.13090 of 2011

C.Gopi

...Petitioner

Versus

1.The Regional Transport Authority,
Krishnagiri.

2.The State Transport Appellate Tribunal,
Chennai - 104.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the dismissal of the grant of Stage Carriage permit on the route Theertham to Rayakottai made in R.No.18671/A2/2006, dated 13.07.2009 on the file of the 1st respondent herein as confirmed by the 2nd respondent herein in M.V.Appeal No.68/2010 Dt.28.09.2010 and to quash the same and consequently directing the 1st respondent herein to issue the Stage Carriage permit to the petitioner on the aforesaid route as applied for by the petitioner herein.

For Petitioner : M/s.T.Padmanabhan

For Respondents : Mr.J.Ramesh
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to quash the order dated 13.07.2009 made in R.No.18671/A2/2006, dismissing the grant of Stage Carriage permit on the route Theertham to Rayakottai by the 1st respondent and the same was confirmed by the 2nd respondent in M.V.Appeal No.68/2010 dated 28.09.2010 and to consequently direct the 1st respondent to issue the Stage Carriage permit to the petitioner on the aforesaid route as applied for by the petitioner.

2.The petitioner has applied for grant of Stage Carriage permit to ply his buses on the route Theertham to Rayakottai. Since the aforesaid application was not considered by the Regional Transport Authority, Krishnagiri, the petitioner has filed a writ petition before this Court in W.P.No.10773 of 2006. This Court by an order dated 19.04.2006 directed the respondents to consider the application of the petitioner. However, the 1st respondent rejected the application on 17.01.2007 on the ground that the modified area scheme vide G.O.Ms.No.1529, Home (Transport III) dated 17.11.1999 was applicable to newly formed Krishnagiri District also. Aggrieved by the rejection order, the petitioner filed a Revision Petition before the State Transport Appellate Tribunal, Chennai, i.e., the 2nd respondent herein. The said Revision was allowed and the order of the 1st respondent is set aside and the matter is remitted back to the Regional Transport Authority for fresh consideration with a direction to give an opportunity to the petitioner and consider the contentions of the petitioner and subsequent orders of the Government and to pass necessary order according to provisions of Motor Vehicles Act, Rules, G.O. and scheme within three months from the date of receipt of copy of the order. The Regional Transport Authority refused to grant stage carriage permit on the ground that the approved scheme published in G.O.Ms.No.1529, Home (Transport III) Department dated 17.01.1999 for the whole undivided Dharmapuri District including all the area now lying in the newly formed Krishnagiri District including all the area now lying in the newly formed Krishnagiri District and also in view of the prohibition available under Section 6(4) of the Tamilnadu Act 41/1992. Aggrieved by the said order, the petitioner filed an appeal before the 2nd respondent viz., The State Transport Appellate Tribunal, wherein the order of the 1st respondent was confirmed and the appeal was dismissed on 28.09.2010. Challenging the order of the 2nd respondent, the petitioner has filed the present petition.

3.Heard Mr.T.Padmanabhan, learned counsel appearing for the petitioner and Mr.J.Ramesh, learned Additional Government Pleader appearing for the State Transport Authority.

4.The learned Additional Government Pleader submitted that similar issue has already been dealt with in detail by this Court in W.P.Nos.2056 and 3796 to 3800 of 2011 and dismissed the writ petitions on 07.09.2016, the relevant portion of the order is extracted hereunder:

"9.unless a new guideline is framed for the newly formed District, the guideline which were in vogue earlier would continue. The analogy in the decision of the Hon'ble Division Bench in the case of R.Muthulakshmi could very well applied to the

facts of the present case also. Thus the contention raised by the learned Senior Counsel on behalf of the petitioners does not merit acceptance. The other reasoning given by the STAT are proper and cogent and does not call for interference."

5.In the light of the above, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Regional Transport Authority,
Krishnagiri.

2.The State Transport Appellate Tribunal,
Chennai - 104.

+1cc to Government Pleader sr.68921

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