

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition Nos.14371 and 7122 to 7131 of 2008
and M.P.No.2 of 2008

Sri.B.Vijayasai B.E.,
(Prop.) Sri Rangavilas Roadways
No.141, Netaji Nagar,
Hosur Cattle Farm, Mathigiri - 635 110
Krishnagiri District ..Petitioner in W.P.No.14371/2008

M.Shanthi ..Petitioner in W.P.No.7122 of 2008

H.B.Arifulla Khan ..Petitioner in W.P.No.7123 of 2008

D.Gowtham Kumar, ..Petitioner in W.P.No.7124 of 2008

M.Prakash Rao ..Petitioner in W.P.No.7125 of 2008

R.Indrajith ..Petitioner in W.P.No.7126 of 2008

Mir Akram ..Petitioner in W.P.No.7127 of 2008

R.Ranganatha Reddy ..Petitioner in W.P.No.7128 of 2008

Parvathamma ..Petitioner in W.P.No.7129 of 2008

Liyakhat Ali Khan ..Petitioner in W.P.No.7130 of 2008

Vijay Kamal Raj ..Petitioner in W.P.No.7131 of 2008

Vs

1. The State of Tamil Nadu
rep. By the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The State Transport Authority,
Chepauk, Chennai - 600 005.

3. The Government of Karnataka,
rep. By its Principal Secretary,
Transport Department, Vidhan Soudha,
Bangalore - 560 001
Karnataka State.

4. The State Transport Authority,
State of Karnataka,
M.S.Building,
Dr.Ambedkar Veedhi,
Bangalore - 560 001
Karnataka State.

... Respondents in all W.Ps.

Prayer: Petitions filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the Government order made in G.O.Ms.No.16, Home, Prohibition and Excise (transport III) Department dated 07.01.2008 and quash the same consequently direct the respondents to include the petitioner's 6 additional singles on

(i)inter - State Route Balathottanapalli to Bangalore (via) Hosur and Denkanikotta, in the inter - State Agreement.

(ii)inter - State Route Denkanikottai to Bangalore and back, in the Inter-State agreemet in respect of vehicle KA-43/1044.

(iii)inter - State Route Hanasanahalli to Bangalore and back, in the Inter-State agreement in respect of vehicle TN 63-C 8800.

(iv)inter - State Route Bangalore to Thiruvannamalai and back, in the Inter-State agreement in respect of vehicle TN-25/B7689.

(v)inter - State Route Bangalore to Dharmapuri and back, in the Inter-State agreement in respect of vehicle KA03/B4317.

(vi)inter - State Route Bangalore to Thiruvannamalai and Thiruvannamalai to Bangalore, in the Inter-State agreement in respect of vehicles KA01-A4533 and KA01-A4534.

(vii)inter - State Route Bangalore to Annadevanapalli and back, in the Inter-State agreement in respect of vehicle TN45C/6900.

(viii)inter - State Route Bangalore to Coimbatore and Coimbatore to Bangalore, in the Inter-State agreement in respect of TN-60/9155 and TN 57 H-8989.

(ix)inter - State Route Bangalore to Dharmapuri and back, in the Inter-State agreement in respect of vehicle KA-02-D-6075.

(x)inter - State Route Bangalore to Dharmapuri and back, in the Inter-State agreement in respect of vehicle KA-05-D-6399.

(xi)inter - State Route Bangalore to Dharmapuri and back, in the Inter-State agreement in respect of vehicle TN-45-X-3276.

For Petitioner in
W.P.No.14371 of 2008 : Mr.K.Hariharan

For Petitioner in W.P.Nos.
7122, 7123, 7125 to 7131 of 2008 : Mr.S.Govindaraman

For Petitioner in
W.P.No.7124 of 2008 : M/s.M.Palani

For Respondents in : Mr.R.P.Prathap Singh,
the above W.Ps G.A. - R1 & R2
No appearance - R3 and R4

For Petitioner in
W.P.No. 7124 of 2008 : M/s.M.Palani

C O M M O N O R D E R

All the petitioners before me in this batch of Writ Petitions have challenged G.O.Ms.No.16, Home, Prohibition and Excise (Transport III) Department dated 07.01.2008.

2. Admittedly, the aforesaid Government Order has been upheld by the Supreme Court in S.L.P.(Civil) No.18 of 2012 dated 23.04.2012. The challenge to the Government Order itself thus, has no merit and is rejected. However, it is brought to my notice that the Principal Secretaries of the Governments of Karnataka and Tamil Nadu are in correspondence in regard to the proposed fourth Supplemental Interstate Transport Agreement between the two States. Specifically, communication dated 10.10.2013 refers to an increase in passenger traffic as between the States aforesaid and the urgent requirement for yet another Supplemental Agreement to augment the services of the respective

State Transport Undertakings to service increasing demand for transport facilities between the two States.

3. The impugned Government Order covers only first, second and third Supplemental Agreements. Thus, while dismissing these Writ Petitions, the petitioners are at liberty to seek consideration for Stage Transport Carriage Permits/any other appropriate permits as permitted by law under the fourth Supplemental Interstate Agreement or subsequent Interstate Agreement that may be entered into by and between States. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The State Transport Authority,
Chepauk, Chennai - 600 005.
3. The Principal Secretary,
Government of Karnataka,
Transport Department, Vidhan Soudha,
Bangalore - 560 001
Karnataka State.
4. The State Transport Authority,
State of Karnataka,
M.S.Building, Dr.Ambedkar Veedhi,
Bangalore - 560 001
Karnataka State.

- +1 cc to M/s.S.Govindaraman, Advocate, S.R.No.86703
+1 cc to M/s.K.Hariharan, Advocate, S.R.No.86702
+1 cc to M/s.M.Palani, Advocate, S.R.No.86658
+1 cc to the Government Pleader, S.R.No.87772

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SAI (CO)
GN(08/11/2019)