

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33229 of 2007

And

M.P.No.1 of 2008

P.Manjula

... Petitioner

Vs.

1.The Regional Transport Authority,
Vellore.

2.The Secretary,
Regional Transport Authority-cum-
The Regional Transport Officer,
Vellore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent in R.No.11797/A2/2006 dated 26.7.2006 and to quash the same and further to direct the 1st respondent to consider the application dated 23.2.2006 of the petitioner, seeking variation of the Permit conditions by way of extension on the route "Markathiyanur to Pudurnadu" in respect of petitioner's stage carriage vehicle No.TN-23-R-8246 plying on the route "Avarankuppam to Markathiyanur".

For Petitioner : Mr.S.Govindraman

For Respondents: Mr.J.Ramesh

Additional Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order of the first respondent in R.No.11797/A2/2006 dated 26.07.2006 and to quash the same and further to direct the first respondent to consider the application dated 23.2.2006 of the petitioner, seeking variation of the Permit conditions by

way of extension on the route "Markathiyanur to Pudurnadu" in respect of petitioner's stage carriage vehicle No.TN-23-R-8246 plying on the route "Avarankuppam to Markathiyanur".

2.The petitioner is a stage carriage operator. She filed application for variation of permit under Rule 216 (1) of the Tamil Nadu Motor Vehicle Rules. The said application was returned by the second respondent, against which, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that the petitioner filed application for variation of permit under Rule 216 (1) of the Tamil Nadu Motor Vehicle Rules and again re-submitted under Section 18 of the Tamil Nadu Motor Vehicles Act, however, without conducting any enquiry simply the said application was returned which is impermissible in law. Accordingly, he prayed for appropriate orders.

4.The learned Government Pleader appearing for the State would submit that after entertaining the application, the Regional Transport Authority held that the application for variation of condition permit was not filed in a proper manner and that the Government decided to inform that no fresh variation can be entertained. Accordingly, request for variation application was rejected. He would further submit that as against this order, there is an appeal remedy available and without exhausting such remedy and approaching this Court is un-sustainable.

5.Heard both sides.

6.In the present case, application for variation of permit under Rule 216 (1) of the Tamil Nadu Motor Vehicle Rules was filed. On a perusal of Column No.13 of the application, the particulars furnished by the petitioner is not proper. Without disclosing the reason for variation of permit simply the petitioner applied for variation of permit, which is un-sustainable.

7.Hence, I do not find any error in the impugned order. However, liberty is granted to the petitioner to file a fresh application in accordance with Rule 216 (1) of the Tamil Nadu Motor Vehicle Rules. If any such application for variation is received, the respondents shall entertain the application and follow the procedure contemplated under Rule 216 (1) of the Tamil Nadu Motor Vehicle Rules and shall pass appropriate orders in accordance with law.

8.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Transport Authority,
Vellore.

2.The Secretary,
Regional Transport Authority-cum-
The Regional Transport Officer,
Vellore.

+1cc to the Government Pleader Sr.52380

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