

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22624 of 2009
and MP.No.1 of 2009

Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Tirunelveli Region
No.19, Trivandrun Road
Tirunelveli
Rep.by its Managing Director
... Petitioner

vs.

- 1.Minor M.Balakrishnan
2. The Regional Transport Authority
Tirunelveli.
3. The State Transport Appellate Tribunal
Chennai 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the order dated 30.09.2008 made in MVRP.No.133 of 2005 on the files of the third respondent and quash the same.

For Petitioners : M/s.Ritachandrasekaran
for Jayesh B.Dolia

For Respondents : M/s.C.R.Krishnamoorthy
for R1.
Mr.J.Ramesh,
Additional Government Pleader
for R2 and R3.

O R D E R

The writ petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to the order dated 30.09.2008 made in MVRP.No.133 of 2005 on the file of the third respondent and quash the same.

2. The case of the petitioner is that the first respondent has applied for grant of mini bus permit to ply on the route from Tirunelveli Junction Bus stand to Poolankudiyiruppu and the second respondent/Regional Transport Authority, has granted the mini bus permit, since the total distance of the route is 6.1 kms, in which served sector is 4 kms and unserved sector is 2.1 kms. As against the above said order, a revision petition in M.V.RP.No.133 of 2005 has been filed by the petitioner.

3. The petitioner contended that already one V.Duraisamy and D.Gnanaraj, have filed appeals before the Tribunal in App.Nos.631/2004 and 632/2004 for granting of mini bus permits for the same route and the above said appeals are allowed and remitted back to the authority, to consider the representation and grant permit to the mini bus and also in the proposed route served sector is 4.1 kms which exceeds 4 kms and the same violates the norms fixed in the Government Order and also two mini buses are plying on the same route and hence, the above said route is a served sector and the order of the 2nd respondent is illegal and therefore, the present writ petition is filed.

4. The learned counsel for the first respondent would contend that the details of the two mini buses which are alleged to have been plying on the said route have not been given by the petitioner and also it is not correct to say that the served sector of the proposed route exceeds 4 kms. Further, he contended that even though the other two appeals were allowed by the Tribunal and were remitted back for fresh consideration, the same are not sufficient grounds to set aside the impugned order.

5. The Appellate Tribunal arrived at a conclusion that the petitioner herein not produced any particulars that the served sector is 4.1 kms and hence it exceeds the permissible limit of 4 kms, to substantiate their contention and therefore the same was rejected, as against which the present writ petition is filed.

6. A perusal of the impugned order reveals that the second respondent granted permission for mini bus permit to the first respondent for exceeding the permissible limit of 4 kms. However, the learned counsel for the petitioner has not produced any records to show that the mini bus exceeds the permissible limit in the served sector. In the absence of any records, this Court is not inclined to interfere with the order passed by the third respondent/Appellant Tribunal. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Regional Transport Authority
Tirunelveli.
2. The State Transport Appellate Tribunal
Chennai 104.

+1cc to Mr.Aiyer and Dolia , Advocate SR.No. 65363
+1cc to M/s.C.R.Krishnamoorthy , Advocate SR.No. 64827
+1 cc to Government Pleader Sr.No. 65449

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A.SK(28/08/2019)

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