

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.Nos.26579 to 26582 of 2004
and
W.M.P.Nos.32362 to 32365 of 2004

Parveen Travels
24, Mookathal Street
Chennai- 7

...Petitioner in All W.Ps

.Vs.

1.The State Transport
Appellate Tribunal
Chennai 600 104

2.State Transport Authority
Chennai-5

...Respondents in All W.Ps

Common Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 1st respondent herein made in Appeal No.258, 260, 259 & 261 of 2000 respectively dated 07.04.2004 and to quash the orders made thereon and further direct the second respondent herein to grant of All India Permit made under Section 88(9) of the Motor Vehicles Act, 1988 along with authorisation under Tourist Transport Operators Rules, 1993.

For Petitioner
in All W.Ps : M/s.Radhagopalan

For Respondents
in All W.Ps : Mr.S.R.Rajagopal, AAG
Assisted by
Mrs.K.Bhuvaneswari, AGP

COMMON ORDER

These petitions have been filed by the petitioner for the issuance of a writ of Certiorarified Mandamus calling for the

records of the 1st respondent herein made in Appeal No.258, 259, 260 & 261 of 2000 dated 07.04.2004 and to quash the orders made thereon and further direct the second respondent herein to grant of All India Permit made under Section 88(9) of the Motor Vehicles Act, 1988 along with authorisation under Tourist Transport Operators Rules, 1993.

2.The case of the petitioner is that the petitioner made applications for the grant of All India Tourist Permit under Section 88(9) of the Motor Vehicles Act, 1988 read with Tourist Transport Operators Rules, 1993 for authorisation to ply in the States of Karnataka, Kerala and Andhra Pradesh besides Tamilnadu, the Home State before the second respondent herein as early as in the year 2000. The said applications were rejected on the ground that Section 14 of the Tamilnadu Stage Carriages and Contract Carriages (Acquisition) Act 12/73 prohibits grant of such permits and the Government of Tamilnadu has intimated the Government of India that Tamilnadu Government is not agreeable to the scheme notified under the Central Rules. Aggrieved by the said rejection order of the second respondent, the petitioner preferred Appeals No.258, 259, 260 and 261 of 2000 before the State Transport Appellate Tribunal and the same were also dismissed, against which, the present writ petitions have been preferred.

3.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it is suffice that the petitioner is permitted to make applications for the grant of All India Tourist Permit under Section 88(9) of the Motor Vehicles Act, 1988 and after such applications, the second respondent shall be directed to pass appropriate orders within the time stipulated by this Court.

4.The learned Additional Advocate General would fairly concede to the request made by the petitioner.

5.In view of the limited request made by the learned counsel for the petitioner and the same has also been conceded by the learned Additional Advocate General of the State, this court is inclined to issue a direction to the second respondent to consider the applications of the petitioner. This court also makes it clear that since the petitioner has agreed to pay the amount whatever prescribed under Section 88(9) of the Motor Vehicles Act, 1988, the petitioner is permitted to make applications within a period of two weeks, thereafter, the second respondent herein is directed to consider the same and dispose of the applications within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.
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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The State Transport Appellate Tribunal
Chennai 600 104

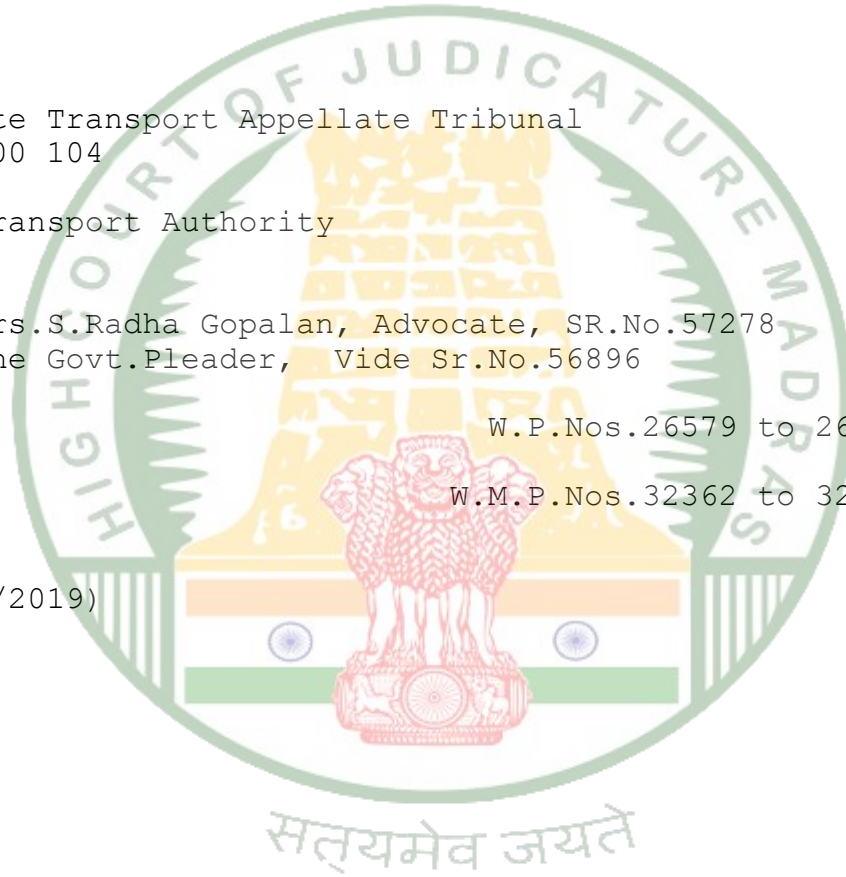
2.State Transport Authority
Chennai-5

+1cc to Mrs.S.Radha Gopalan, Advocate, SR.No.57278

+1cc to the Govt.Pleader, Vide Sr.No.56896

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Kak(17/07/2019)



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