

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.27536 of 2004

K.Mohan

...Petitioner

Versus

1. N.Devaraj

2. The Regional Transport Authority,
Trichy District,
Trichy.

3. The State Transport Appellate Tribunal,
High Court Buildings,
Chennai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 3rd respondent made in R.P.No.101/2001 dated 3.8.2004 in confirming the order of the second respondent made in R.No.A4/92035/2000 dated 20.3.2001 in granting a mini bus permit in favour of the first respondent to ply on the route Thuvakudi Kadai Veethi to Vadakku Thenipatty Pirivu Salai and Kannangudi Pirivu Salai (via) Thuvakudi Pillaiyar Koil, Palanganakudi Pirivu Salai and Indira Kudiyruppu, Palanganakkudi, Assoor Bus Stop, Poigaikudi bus stop, Kaligaipuram Bus stop and Sengalur Pirivu Salai, and quash the same.

For Petitioner

:Mr.M.Palani

For Respondents

:Mr.S.Govindaraman for R1.

Mrs.K.Bhuvaneswari, AGP for R2

O R D E R

This Writ Petition has been filed seeking to quash the order of the second respondent made in R.No.A4/92035/2000 dated 20.3.2001 confirming the order of the 3rd respondent made in R.P.No.101/2001 dated 3.8.2004 granting a mini bus permit in favour of the first respondent to ply on the route Thuvakudi

Kadai Veethi to Vadakku Thenipatty Pirivu Salai and Kannangudi Pirivu Salai (via) Thuvakudi Pillaiyar Koil, Palanganakudi Pirivu Salai and Indira Kudiyiruppu, Palanganakkudi, Asoor Bus Stop, Poigaikudi bus stop, Kaligaipuram Bus stop and Sengalur Pirivu Salai,

2.The petitioner is a stage carriage operator in Trichy town and operating a stage carriage bearing Regn.No.TN 45 J 5454 on the town service Rout No.68, Crawford to Asoor Theneerpatti Colony. The service route is a town service route, which extends to about 28.5 kms. While so, the first respondent is granted with a mini bus permit by the 2nd respondent to ply on the route Thuvakudi Kadai Veethi to Vadakku Thenipatty Pirivu Salai and Kannangudi Pirivu Salai (via) Thuvakudi Pillaiyar Koil, Palanganakudi Pirivu Salai and Indira Kudiyiruppu, Palanganakkudi, Asoor Bus Stop, Poigaikudi bus stop, Kaligaipuram Bus stop and Sengalur Pirivu Salai. Two major portions of the route that two mini buses are plying are Thiruverambur Santhi Theatre to Asoor and Trichy Boiler to Asoor Indira Kudiyiruppu. The above said two routes forms part of the present mini bus route and on that route, the present mini bus route is having a common sector from Thuvakudi to Asoor Indira Kudiyiruppu, which for a distance of 8 Kms. Therefore, the 2nd respondent without considering that the served sector route bing only 8 Kms, has granted the mini bus permit in favour of the first respondent. Aggrieved by the said permit, the petitioner has filed a Revision Petition before the third respondent in R.P.No.101 of 2001 and the same was dismissed. Aggrieved by the same, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned Additional Government Pleader appearing for the second respondent would submit that, though the second respondent has granted mini bus route permit in favour of the first respondent in the year 2001, the same was not operated by the first respondent in view of the stay granted by this Court. However, the mini bus permits were granted in favour of the first respondent based upon the Modified Area, Approved Scheme in respect of revenue District of Trichy approved under G.O.Ms.No.1137, Home (Transport III) Department, published in Tamil Nadu Government Gazette dated 17.11.1999. However, the entire scheme was changed by revising the scheme in the year 2011. Hence, the petitioner may apply for a fresh permit under the 2011 scheme and the same would be considered by the authorities concerned and pass fresh orders in accordance with law.

5.In view of the above said submission, the petitioner and the first respondent is permitted to make a representation before the concerned authorities under 2011 scheme. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

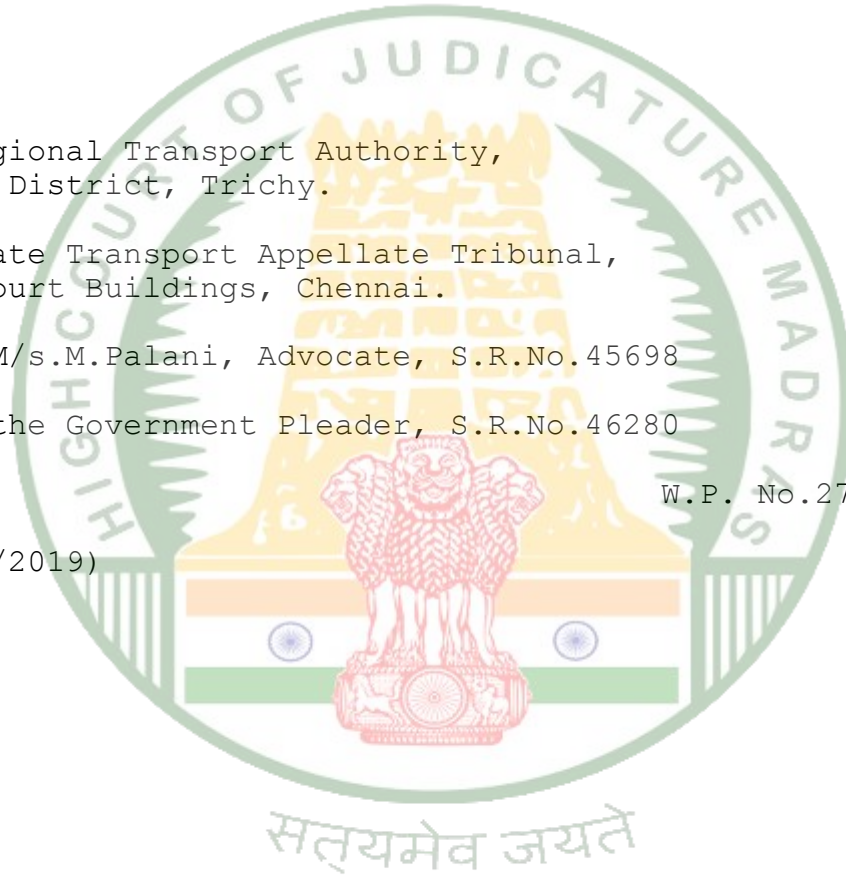
1. The Regional Transport Authority,
Trichy District, Trichy.
2. The State Transport Appellate Tribunal,
High Court Buildings, Chennai.

+1 cc to M/s.M.Palani, Advocate, S.R.No.45698

+1 cc to the Government Pleader, S.R.No.46280

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AD(CO)
SSM(14/08/2019)



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