

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.29270 and 29347 of 2008

K.R.Transports
Represented by its Managing Partner
S.Krishnaprakash

(Petitioner substituted as per the
order of this Court dated 11.06.2019
made in W.M.P.No.2218 of 2017
in W.P.No.29270 of 2008) ... Petitioner in W.P.No.29270/2008

K.R.Transports
Represented by its Managing Partner
S.Krishnaprakash

(Petitioner substituted as per the
order of this Court dated 11.06.2019
made in W.M.P.No.2219 of 2017
in W.P.No.29347 of 2008) ... Petitioner in W.P.No.29347/2008

Vs.

1.The Regional Transport Authority,
Coimbatore.

2.The Secretary,
Regional Transport Authority,
Pollachi Region,
Coimbatore.

3.The Managing Director,
The Tamil Nadu State Transport Corporation,
Coimbatore Division,
Coimbatore.

... Respondents in both the W.Ps.

Prayer in W.P.No.29270 of 2008:

Petition filed under Article 226 of the Constitution of
India to issue a Writ of Mandamus forbearing the third

respondent from operating any of its vehicles on the route Pollachi Bus Stand to Nagoor or Pollachi to Nadupunni or any part thereof without any permit being issued by the 1st respondent and the timings approved by the second respondent in accordance with the Rule 248 of Tamil Nadu Motor Vehicle Rules.

Prayer in W.P.No.29347 of 2008:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the third respondent from interfering with operation of stage carriage of petitioner bearing Regn.No.TN41 M 3333 plying on the route Pollachi Bus Stand to Nagoor State border which comes within 20 km distance in terms of the permit granted in favour of the petitioner.

For Petitioner : Mr.M.Palani

For Respondents : Mr.K.Bhuvaneswari for R1 and R2
Additional Government Pleader
Mr.S.Sairaman for R3

C O M M O N O R D E R

The petitioner in both the writ petitions are one and the same

and hence, both the writ petitions are heard together and a common order is passed.

2.The case of the petitioner is that the petitioner is a stage carriage operator in Coimbatore District and operating a stage carriage bearing Registration No.TN41 M 3333 in Pollachi Region on the route Pollachi Bus Stand to Nagoor via Vadakkipalayam, which is a town service route namely, route No.30 issued more than three decades ago, more precisely in the year 1972. The entire route is 20 km and on the said entire route the vehicle is performing 14 singles and 2 shuttle trips in between Pollachi and S.Kumarapalayam. Nagoor lies adjacent to Kerala State border and the next habitation area after Nagoor is Nadupunni which lies in Kerala State.

3.It is the petitioner's further case that the third respondent all of a sudden started to operate a vehicle on the route from Pollachi Bus Stand to Nadupunni on the very same time when the petitioner operates his vehicle. Hence, the petitioner made representation and complaint before the concerned competent Authority and since no action was taken on his representation and complaint, the petitioner has filed these writ petitions.

4.Though the petitioner has sought for a larger relief in these petitions, the learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues a direction to the first respondent to conduct adjudication in respect of the route operated by the Transport Corporation without any permit after hearing the petitioner and Transport Corporation and to pass appropriate orders.

5.The learned counsel appearing for the Transport Corporation concede the request made by the learned counsel appearing for the petitioner.

6.In view of the limited request made by the learned counsel appearing for the petitioner, I am inclined to remand the matter back to the first respondent. Liberty is granted to the petitioner as well as the third respondent to file their objections and claim before the first respondent. The first respondent after issuing notice to the petitioner as well as the third respondent/ Transport Corporation and after perusing the objections and other records shall pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. Status - quo as on date is to continue, till appropriate orders are passed by the first respondent.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

- 1.The Regional Transport Authority,
Coimbatore.
- 2.The Secretary,
Regional Transport Authority,
Pollachi Region,
Coimbatore.
- 3.The Managing Director,
The Tamil Nadu State Transport Corporation,
Coimbatore Division, Coimbatore.

+1cc to Mr.M.Palani, Advocate SR.No.47242

+2cc to Mr.S.Sairaman, Advocate SR.No.46827

+1cc to Government Pleader, High Court,Madras SR.No.47498

W.P.Nos.29270 and 29347 of 2008

MP (CO)
GMY (17/09/2019)



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