

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 16594 of 2010

1. Tmt.Dhanalakshmi
2. Tmt. P.Suguna

..Petitioners

Vs

1. The Regional Transport Authority
Tirupur District
Tirupur 641 604.

2. Regional Transport Officer
Tirupur
Avinashi Road
Tirupur 2.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in letter No. 112991/A3/2006 dated 14.07.2010 and quash the same and direct the 2nd respondent to receive the joint application dated 16.10.2006 filed by the petitioners for transfer of permit in respect of the mini bus bearing Regn No. TN 39 H 0119 plying on the route Malaikoil to Tirupur, Old Bus stand and further direct the 1st respondent to consider the said application.

For Petitioners : Mr.M.Palani
For Respondents : Mr.J.Ramesh, AGP.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in letter No. 112991/A3/2006 dated 14.07.2010 and quash the same and direct the 2nd respondent to receive the joint application dated 16.10.2006 filed by the petitioners for transfer of permit in respect of the mini bus bearing Regn No. TN 39 H 0119 plying on the route Malaikoil to Tirupur, Old Bus stand and further direct the 1st respondent to consider the said application.

2. The case of the petitioners is that the petitioners are the mini bus operator, bearing No. TN 39 H 0119 on the route Malaikoil to Tirupur Old Bus stand. The mini bus permit is granted in favour of the petitioners by the Regional Authority of unfabricated Coimbatore District in the year 1998. Since then, the petitioners operating the mini bus on the above route without any complaints whatsoever to the entire satisfaction of the travelling public. While being so, due to the family reasons, the petitioners are unable to concentrate on transport operation, as a result, it is reflecting upon the operation of the stage carriage services and ultimately the public interest is suffering. Therefore, in the interest of travelling public, the first petitioner decided to transfer their mini bus permit along with the mini bus to the 2nd petitioner herein, as her husband is having experience in transport operation. Accordingly, the petitioners made a joint application dated 16.11.2006 under Section 82 of the Motor Vehicle Act read with Rule 208 of the Tamil Nadu Motor Vehicle Rules before the 2nd respondent for transfer of permit which has to be considered by the 1st respondent. However, the same was returned by the 2nd respondent.

3. The learned counsel appearing for the petitioners would submit that the 2nd respondent has no jurisdiction to return the application, since he has only to forward the application to the 1st respondent.

4. In view of the above, this Court is inclined to issue a direction to the second respondent to send the application to the first respondent in order to enable him to pass appropriate orders. The petitioners are granted liberty to submit a fresh application to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and in turn, the first respondent shall consider the same within a period of six weeks thereafter.

5. Accordingly, the present writ petition stands disposed of. No costs.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

kmm

To

1. The Regional Transport Authority
Tirupur District
Tirupur 641 604.

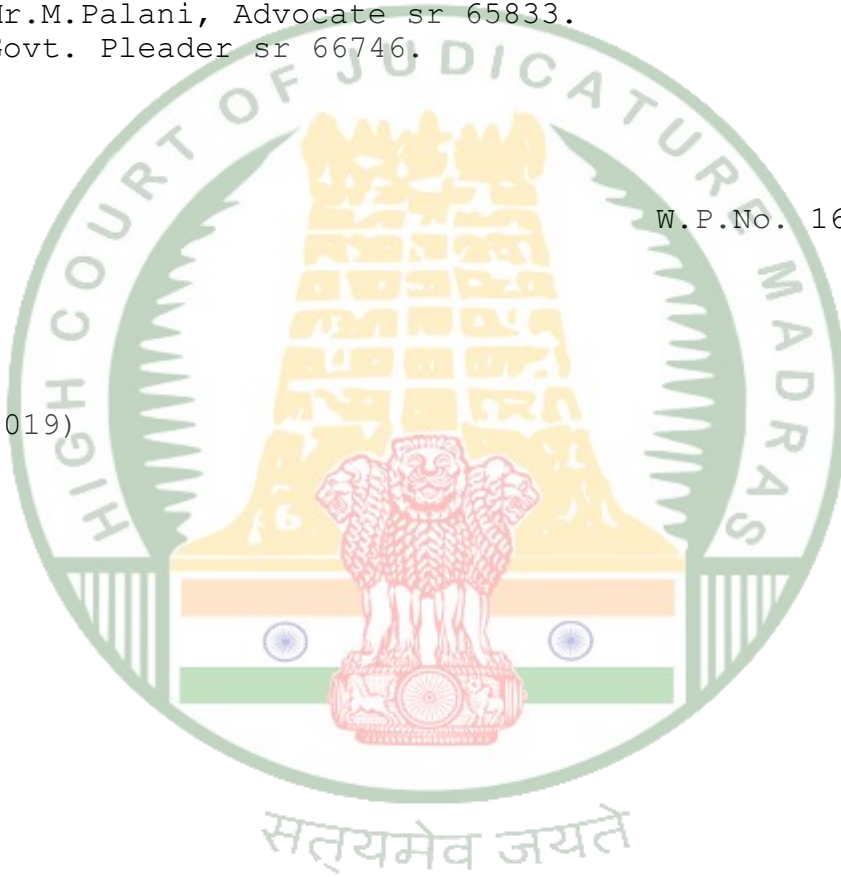
2. Regional Transport Officer
Tirupur
Avinashi Road
Tirupur 2.

+1 CC to Mr.M.Palani, Advocate sr 65833.

+1 CC to Govt. Pleader sr 66746.

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PM(CO)
SP(23/10/2019)



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