

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 10579 to 10582 of 2005

and

W.P.M.P.Nos. 11488 to 11491 of 2005

Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd
rep.by its Managing Director
Trichy

..Petitioner in all writ petitions
Vs.

1.The State Transport Appellate Tribunal
Chennai - 104.

2. Regional Transport Authority
Karur

.. Respondents in all Writ petitions

3. P.Pappathi

.. Respondent W.P.No. 10579 of 2004

4. Ravindran

.. Respondent W.P.No. 10580 of 2004

5. P.Murugesan

.. Respondents in W.P.Nos. 10581 &
10582 of 2004

Common Prayer: Writ Petitions filed under Article 226 of
the Constitution of India praying to issue a Writ
Certiorari, to call for the records of the 1st respondent in
Appeal Nos.1038/2003/A5 & 1039/2003/A5 & 1044/2003/A5 &
1037/2003/A5 dated 07.06.2004 and quash the same.

For Petitioners in all WP.Nos. : Mrs.Kala Ramesh
For Respondents in all WP.Nos. : Mr.J.Ramesh, AGP

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one
and the same, they are clubbed together and a common order
is passed.

2. The petitioner is the Tamil Nadu State Transport Corporation. The Tamil Nadu Government, in the year 1997, introduced a Mini bus scheme which permitted running of the Mini Bus for the benefit of the rural people in remote villages. Subsequently, the Government issued orders on 30.07.1998, permitting plying of mini buses for a distance not exceeding 4 kms in the approved area (served sector) without altering the overall route length of 16 kms. by G.O.Ms.No. 1475 dated 28.10.1998. The above scheme was quashed by this Court by judgement dated 30.01.1999, in W.P.No. 12476/98. The Government taking into account the need to ply mini buses efficiently for the benefit of the villagers, increased the overall route length of the Mini bus to 20 kms and retained the same extent of 4 kms on the served sector. The above said area scheme was further modified by notification dated 17.11.1999, in which the overall route length of the Mini bus was retained as 20 kms and the overlapping distance on the routes, where stage carriages were operated, was retained as 4 kms in the rural areas of the District. In the present case, the Transport Corporation is facing severe loss due to grant of permission for overlapping the distance. Hence the present writ petition is filed.

3. The very same issue was already dealt with by this Court in W.P.No. 29620 of 2004 and the paragraph 9 of the said order is extracted hereunder;

"9. ... The main grievance of the petitioner Corporation is that the petitioner corporation has been facing severe loss of revenue due to non following of the scheme, 1999 by the minibuss operators like the 3rd respondent. This Court failed to understand as to how this contention is acceptable. As per the old scheme, the 3rd respondent has been operating mini bus with an overlapping distance of not exceeding 1km on the served sector. Whereas under the new scheme, the petitioner has been permitted to operate mini bus with an overlapping distance of not exceeding 4 km on the served sector where the petitioner corporation operates. When such being the position, in the considered opinion of this Court, it would not cause any revenue loss to the petitioner Corporation. Further, the contention of the petitioner Corporation that the revenue of the corporation has been seriously affected on account of non operation of mini bus by the 3rd respondent up to 20 kms on the unserved sector as stipulated under the new scheme. If at all, the 3rd respondent does not operate the mini bus up to

length of 20 kms on unserved sector, it is for the State Government to take appropriate action. It is not for the Tamil Nadu State Transport Corporation (Kumbakonam) Limited to raise such objection. At this Juncture, it has been brought to the notice of this Court that subsequently, permit granted to the 3rd respondent got renewed periodically and in the year 2011 another new scheme also came into effect by which 1999 Scheme got superseded. In the above circumstances, this Court find no illegality or irregularity in the order passed by the 1st respondent. Thus, this Court does not find any merit in the writ petition and the same deserves only to be dismissed."

4. In view of the above decision, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The State Transport Appellate Tribunal
Chennai - 104.

2. Regional Transport Authority
Karur

+1cc to M/s.Kala ramesh , Advocate SR.No. 68721

W.P.Nos. 10579 to 10582 of 2005

rgn (CO)
A.SK(25/11/2019)

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