

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 19917 of 2010
and
M.P.No. 1 of 2010

T.Muthuprabakaran

...Petitioner

Vs

1. The Regional Transport Authority
Coimbatore (South) Region
Coimbatore.

2. The State Transport Appellate Tribunal
High Court Buildings
Chennai 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in Appeal No. 41 of 2006 dated 26.10.2009 confirming the order of the 1st respondent made in R.No. 12633/A3/2005 dated 19.01.2006 in rejecting the application for grant of variation involving extension of the route for a distance of 2km from Tiruppur Nataraja Ginning Factory to Tiruppur old Bus stand and quash the same and direct the 1st respondent to grant extension as applied for.

For Petitioner : Mr.M.Palani

For Respondent : 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 Appeal No. 41 of 2006, dated 26.10.2009, confirming the order of the 1st respondent made in R.No. 122633/A3/2005, dated 19.01.2006, in rejecting the application for grant of variation involving extension of the route for a distance of 2km from Tiruppur Nataraja Ginning

Factory to Tiruppur old Bus stand and to quash the same and direct the 1st respondent to grant extension as applied for.

2. The case of the petitioner is that the stage carriage permit in respect of the route Semmedu to karumathampatti was held by his father and the same was transferred in petitioner's favour. The petitioner and his father made a joint application for the transfer of permit before the 1st respondent. The 1st respondent by proceeding dated 10.03.2010 transferred the said permit in the petitioner's favour and since then the petitioner is operating the vehicle on the above said route.

3. The learned counsel appearing for the petitioner would submit that in the year 1995 his father made an application for variation of this route as Semmedu to Tiruppur Nataraja Ginning Factory, involving

extension of the route from Karumathampatti to Nataraja Ginning Factory, which is about a distance of 24 kms, which is in tune with the statutory provisions and the same was granted by the 1st respondent by proceeding dated 12.04.1996. In pursuant to the same, his father started to operate on the varied route namely Semmedu to Nataraja Ginning Factory.

4. The Government of Tamil Nadu brought an Act cancelling the variations that were granted in between 24.01.1996 and 24.05.1996 during which period a large number of variations were granted by the Transport authorities in Tamil Nadu and the said Act is known as Tamil Nadu Motor Vehicles (Special Provisions Cancellation of Variations) Act 1996 and popularly known as Tamil Nadu Act 1996. The said Act was challenged before this Court in a batch of writ petitions in W.P.No. 23854 of 2001, etc. This Court by Judgment dated 07.08.2003 declared the Act as ultra vires, unconstitutional and void and further directed the Transport Authorities to restore the variation cancelled under the Tamil Nadu Act 19 of 1996. In pursuant to the said Judgment of this Court, his variation was restored on 13.08.2006 and since then, his father is operating the vehicles on the route Semmedu to Tiruppur Nataraja Ginning Factory.

5. The learned counsel appearing for the petitioner would further submit that as on date the petitioner is terminating his vehicle only at a place called Nataraja Ginning Factory and the Bus stand from that point is only 2 kms. The petitioner submits that the Tiruppur Bus stand lies in the heart of the town, whereas the Tiruppur Nataraja Ginning Factory, which is one of the termini of his route, lies on the outskirts of Tiruppur and the passengers travelling in his vehicle from Semmedu, Coimbatore, Karumathapatti, Avinashi and Poondi are always

boarding in his bus hoping that they would go to town area, but unfortunately get down at the outskirts of Tiruppur as his vehicle has got permit only upto outskirts namely Tiruppur Nataraja Ginning factory and from there, they have to catch up other modes of transportations such as autos, share autos and town buses to go to the bus stand, and the same causes great hardship and inconvenience to the travelling public. The petitioner's father made an application dated 10.11.2005 for variation of the route involving an extension of route from Nataraja Ginning Factory to Tiruppur Bus stand, which is only at a distance of 2 km. As the said application was not considered and disposed of by the 1st respondent, his father filed a writ petition on the file of this Court in W.P.No. 33293 of 2005 praying for a mandamus therein to consider and pass orders. This Court directed the 1st respondent to process the application and pass appropriate orders within a time stipulated therein. Thereafter, the 1st respondent rejected the petitioner's application.

6. Aggrieved over the same, the petitioner's father filed appeal before the second respondent in Appeal No.41 of 2006. The second respondent also disposed of the appeal by confirming the order of the first respondent.

7. The learned counsel would specifically contend that the present petition does not pertain to extension of the route from Tiruppur Nataraja Ginning Factory to Tiruppur Bus stand, but it pertains to use Pushpa theatre which is situated at a distance of 250 meters from Nataraja Ginning Factory. Therefore, he would submit that this Writ Petition has nothing to do with the application for variation involving extension of the route for a distance of 2 km.

8. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner shall make a fresh application and this Court may direct the respondents to consider the application made by the petitioner.

9. Considering the facts and circumstances of the case, this Court is inclined to consider the limited request made by the writ petitioner and therefore, liberty is granted to the petitioner to make a fresh application before concerned Authorities. The concerned Authorities may pass appropriate order as expeditiously as possible.

10. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Regional Transport Authority
Coimbatore (South) Region
Coimbatore.
2. The State Transport Appellate Tribunal
High Court Buildings
Chennai 600 104.

+1cc to the Government Pleader Sr.68067
+1cc to M/s.M.Palani, Advocate Sr.67808

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