

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.3294 of 2019

N.Paramasivam

... Petitioner

Vs.

1. The Regional Transport Authority,
Namakkal.
2. The Regional Transport Officer,
Namakkal (South),
Namakkal.
3. The State of Tamil Nadu,
Rep. by its Secretary,
Home (Transport) Department,
Fort St. George, Chennai - 600 009.

... Respondents

(R-3 impleaded vide order dated 13.03.2019
made in W.M.P.No.4678 of 2019 in
W.P.No.3294 of 2019)

Prayer:-

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the second respondent to receive the application of the petitioner dated 13.11.2018 for the grant of Mini Bus permit made in R.No.46616/A3/2018, on the route Sendamangalam Bus Stand to Pottirettypatti (via) Vadugapatti, Muthukapatti, Periyasamy Kovil, Palayapalayam, Bodinakkanpatti Pirivu Road, Alanganatham etc., and consequently direct the first respondent to consider and dispose of the same forthwith.

For Petitioner : Mr.T.Padmanabhan

For Respondents : Mr.B.Anand
Government Advocate

ORDER

The petitioner has submitted an application to the respondents on 13.11.2018, for the grant of Mini Bus permit made in R.No.46616/A3/2018, on the route Sendamangalam Bus Stand to Pottirettypatti (via) Vadugapatti, Muthukapatti, Periyasamy Kovil, Palayapalayam, Bodinakkanpatti Pirivu Road, Alanganatham etc. Since the said representation was not considered, the petitioner is before this Court.

2. The respondents filed a counter affidavit and it is stated that the Government had published a scheme to issue mini bus permits in Namakkal District in G.O.Ms.No.1531, Home (Transport-III) Department, dated 17.11.1999, with an intention of enabling the people of remote villages to come to nearby town for selling their agricultural produces, thereby to improve their standard of life. As per the Scheme, mini buses may be allowed up to route length of 20 km, out of which, 4 km, may be allowed on the routes on which stage carriages are already operating subject to ceiling of 250 permits for each District and maximum number of permits were issued. Thereafter, the Government decided that the mini bus routes to be formulated by the Regional Transport Authorities, so as to provide direct mini bus facilities to the people of Village that there population of 100 families or more enabling them to reach the nearest bus stand of towns where adequate facilities provided to various places and such route should be liable and not more than 30% of route length should overlap with any of the existing served route. Subsequently, the Government issued a G.O.Ms.No.136, Home (Transport-III) Department, dated 23.02.2011 and issued guidelines to grant permit as per new Scheme in G.O.Ms.No.146, Home (Transport-III) Department, dated 25.02.2011. The said G.O.Ms.No.136, was challenged and this Court, in W.P(MD)No.2893 of 2011, dated 18.04.2018, quashed the G.O.Ms.No.136 and the consequential guidelines issued in G.O.Ms.No.146, Home (Transport-III) Department, dated 25.02.2011, has become infructuous. Therefore, the Government have not issued any instructions under which Scheme, the permit for mini bus can be issued and in the absence of such instructions from the Government, the application filed by the petitioner could not be considered.

3. As could be seen from the counter affidavit, it is clear that this Court vide its order dated 23.02.2011 in W.P.(MD) No.2893 of 2011, had already quashed the G.O.Ms.No.136, Home (Transport-III) Department, dated 23.02.2011, prescribing certain scheme for operating mini bus services. However, after quashing of the said G.O., the Government till now, have not framed any Scheme with regard to issuance of permit for mini bus services. Therefore, at this juncture, the representation of

the petitioner, dated 13.11.2018, requesting grant of mini bus permit cannot be entertained. It is for the petitioner to approach the concerned Authority to work out his remedy in the manner known to law.

4. Accordingly, the Writ Petition is dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Transport Authority,
Namakkal.
2. The Regional Transport Officer,
Namakkal (South),
Namakkal.
3. The State of Tamil Nadu,
Rep. by its Secretary,
Home (Transport) Department,
Fort St. George, Chennai - 600 009.

+1cc to the Government Pleader, S.R.No.26850

W.P.No.3294 of 2019

MG(CO)
CS/23/05/2019

सत्यमेव जयते

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