

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 885 of 2010

N.Subash

... Petitioner

Vs

1. The State Transport Appellate
Tribunal,
High Court Campus,
Chennai-600 104.

2. The Regional Transport Authority,
Tiruppur Region,
Collectorate Complex,
Palladam Road,
Tiruppur-641 604.

... 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 R.No.2130/A3.2009, dated 08.06.2009 and as confirmed in Appeal No.137 of 2009, dated 26.10.2009 of the 1st respondent regarding the non-grant of spare mini bus permit to the petitioner, quash the same and direct the 2nd respondent to grant the spare mini bus permit to the petitioner.

For Petitioner : Mr.C.R.Krishnamurthy

For Respondents : Mrs.K.Bhuvaneswari,

Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed challenging the impugned notice issued by the 2nd respondent 08.06.2009 and as confirmed in Appeal No.137 of 2009 dated 26.10.2009 by the 1st respondent granting the non-grant of spare mini bus permit to the petitioner and quash the same and direct the 2nd respondent to grant spare mini bus permit to the petitioner.

2. The case of the petitioner is that he is the mini bus operator and obtained mini bus permit to run on the route Tirupur Old Bus stand to Vaipalayam and the permission was valid upto 08.11.2003. When the permit is about to expire, the petitioner has made an application for renewal of permit to run the mini bus for further period of 5 years. The authorities have rejected the application for renewal of permit as the route did not confirm the distance specified for mini bus under served

sector and exceeded the limit of 4 kms at the time of application for renewal of permit and it was against the norms fixed by the Government in G.O.Ms.No.1532 Home (Tr.III) Department, dated 17.11.1999. Against the Government Order, the petitioner has filed an appeal before the State Transport Appellate Tribunal, Chennai and thereafter, the State Transport Appellate Tribunal has allowed the appeal and remitted the matter back for reconsideration after giving reasonable opportunity to the petitioner. Aggrieved by the said order, the petitioner has filed a Writ Petition in W.P.No.9797 of 2005 and while pending Writ Petition, the petitioner has filed a mini spare bus permit before the 2nd respondent, however, that application was rejected. As against the said order, the petitioner has filed an appeal before the State Transport Appellate Tribunal and the Tribunal has rejected the prayer of the petitioner. Against which, the present Writ Petition has been filed.

3. Mr.C.R.Krishnamurthy, learned counsel appearing for the petitioner would submit that as against the rejection of renewal of mini bus permit, this Court by its order dated 22.01.2009 directed the 2nd respondent therein to issue a proper notice and personal hearing of the petitioner and pass appropriate orders in accordance with law and the said exercise has to be carried on within a period of four weeks. Even today, the respondents did not pass orders. Hence, the renewal application is still pending with the 2nd respondent. However, based on the interim order, till date, the petitioner is operating the mini bus in the above said route. Hence, this Court may issue necessary direction to the 2nd respondent to comply the order passed by this court. After complying the order, the liberty may be granted to the petitioner to file fresh spare bus permit application before the authorities and to pass appropriate orders.

3. Mrs.K.Bhuvaneswari, learned Addl. Government Pleader appearing for the State would submit that since no records available from the office, they have not taken any decision in the earlier order passed by this Court. Hence, she prayed to pass appropriate orders.

4. Considering the facts and circumstances of the case, undoubtedly, the renewal application is pending as on date. But, the 2nd respondent without taking any decision on the renewal application, this Court cannot pass any order in the present Writ Petition. Hence, I am inclined to issue a direction to the 2nd respondent to comply the order passed in W.P.No.9797 of 2005 dated 28.02.2012 within a period of two weeks from the date of receipt of the copy of this order. Thereafter, the petitioner is granted permission to file a fresh spare bus permit application before the 2nd respondent and if any application is filed, the 2nd respondent is directed to consider the application and to pass appropriate orders. For ready reference, the petitioner is

directed to send the copy of the order of this Court in W.P.No.9797 of 2005 dated 28.02.2012 and other orders enabling the 2nd respondent to pass appropriate orders. Accordingly, the present Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The State Transport Appellate
Tribunal,
High Court Campus,
Chennai-600 104.

2. The Regional Transport Authority,
Tiruppur Region,
Collectorate Complex,
Palladam Road,
Tiruppur-641 604.

+1 cc to The Government Pleader Sr.No.66741

AKM/06.09.19/3P-4C /

W.P. 885 of 2010

सत्यमेव जयते
WEB COPY