

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9447 of 2011

S.Rajendra Rao

... Petitioner

Vs.

1.The Regional Transport Authority,
Krishnagiri.

2.The State Transport Appellate Tribunal,
Chennai 104.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the dismissal of the grant of Stage Carriage permit on the route Krishnagiri Bus Stand to Sholagiri made in R.No.14194/A2/2006 dated 13.07.2009 on the file of the 1st respondent herein as confirmed by the 2nd respondent herein in M.V.Appeal No.71/2010 dated 28.09.2010 and to quash the same and consequently directing the 1st respondent herein to issue the Stage Carriage permit to the petitioner on the aforesaid route as applied for by the petitioner herein.

For Petitioner : Mr.T.Padmanabhan

For Respondents: Mr.J.Ramesh

Additional Government Pleader

O R D E R

When the matter was taken up for hearing, the learned counsel appearing for the petitioner produced a copy of the order of this Court dated 07.09.2016 made in W.P.Nos.2056 and 3796 to 3800 of 2011 (M.Ananda Kumar and others Vs. The Regional Transport Authority, Krishnagiri and another) and submitted that the issue involved in this writ petition is squarely covered by the decision of this Court cited supra. The relevant portion of the decision cited supra reads as follows:

"9.It is submitted by the learned Senior Counsel appearing for the petitioners that the STAT committed an error in referring to a decision of the Hon'ble Division Bench of this Court in the case of the Regional

Transport Officer, Tirupur Region and another vs. R.Muthulakshmi and another in W.A.Nos.1660 and 1661 of 2009 dated 20.11.2009 stating that the facts of the said case pertain to certain guidelines whereas the contention of the petitioners is with regard to an approved modified scheme separately issued for the newly formed Dharmapuri District. This Court however is unable to accept the contention made on behalf of the petitioners since the decision of the Hon'ble Division Bench relied upon by the STAT only to support the finding that unless a new guideline is framed for the newly formed District, the guidelines which were in vogue earlier would continue. The analogy in the decision of the Hon'ble Division Bench in the case of R.Muthulakshmi could very well applied to the facts of the present case also. Thus the contention raised by the learned Senior Counsel on behalf of the petitioners does not merit acceptance. The other reasoning given by the STAT are proper and cogent and does not call for interference."

2. Accordingly, following the decision cited supra, the writ petition is dismissed. No costs.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

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Krishnagiri.

2. The State Transport Appellate Tribunal,
Chennai 104.

+1 CC to Govt. Pleader sr 67110

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AD (CO)

SP (04/09/2019)