

In the High Court of Judicature at Madras

Dated : 12.4.2019

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.1348 of 2019

R.Suresh Babu ...Appellant/Petitioner

Vs

The Secretary, Regional Transport
Authority, Hosur Region,
Krishnagiri District. ...Respondent/Respondent

APPEAL under Clause 15 of the Letters Patent against the order dated 24.1.2019 passed in W.P.No.28114 of 2018.

Prayer in W.P.No.28114 of 2018:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to consider the petitioners representation dated 19.02.2018 on merits and convene timing conference in accordance with Rule 248 of the Tamil Nadu Motor Vehicle Rules with respect to the Petitioners mini bus bearing registration No.TN-24-x-1175 on the route from Hosur to SIPCOT.

For Appellant : Mr.K.Venkatesan

For Respondent : Mr.R.P.Prathap Singh, GA

Judgment was delivered by T.S.SIVAGNANAM,J

We have heard Mr.K.Venkatesh, learned counsel for the appellant and Mr.R.P.Prathap Singh, learned Government Advocate accepting notice for the respondent. With consent of the learned counsel on either side, the writ appeal itself is taken up for final disposal.

2. This appeal is directed against the order dated 24.1.2019 made in W.P.No.28114 of 2018.

3. The appellant filed the said writ petition seeking for the issuance of a direction to the respondent to consider his representation dated 19.2.2018 on merits and convene timing conference in accordance with Rule 24B of the Tamil Nadu Motor

Vehicles Rules with respect to the appellant's mini bus bearing registration No.TN-24-X-1175 on the route from Hosur to SIPCOT.

4. The case of the appellant is that after the demise of his father, while going through the papers, he found that in respect of mini bus, a timing conference notice was issued by the respondent on 17.3.2006 fixing the timing conference on 05.4.2006. There were three such notices pertaining to (i) Rajeswari Layout - Hosur Bus Stand standing in the name of the father of the appellant - late C.Raja Naidu, (ii) Hosur Bus Stand to Rajeswari Layout again standing in the name of the father of the appellant and (iii) Hosur to SIPCOT standing in the name of the appellant. There are three other permits pertaining to (i) Pan Electronics to Hosur Bus Stand standing in the name of the appellant's sister - Tmt.B.Sujatha, (ii) SIPCOT to Hosur standing in the name of another sister of the appellant - Tmt.Rekha and (iii) Hosur Bus Stand to Pan Electronics standing in the name of one Mr.P.M.Raja.

5. The specific case of the appellant is that on the date fixed for the timing conference i.e. 05.4.2006, the conference was not held, that it was adjourned and that no fresh date was given nor notices were given to the persons, in whose names, the permits were issued. Therefore, the appellant submitted a representation dated 19.2.2018 to the respondent to consider the same and convene a timing conference. Since no action was taken on the said representation, the appellant approached the Writ Court by filing the said writ petition to direct the respondent to consider the said representation on merits and convene the timing conference.

6. Before the learned Single Judge, the learned Special Government Pleader, on instructions, submitted that timing conference had already been conducted on 05.4.2006. However, no document was produced before the learned Single Judge to prove that the timing conference was conducted on 05.4.2006. Apart from that, there was no document produced before the learned Single Judge as to any orders, which have been passed by the respondent in pursuance of the timing conference alleged to have been conducted on 05.4.2006. The learned Single Judge dismissed the said writ petition by the impugned order solely by recording the submission of the learned Special Government Pleader.

7. In our considered view, if timing conference had been conducted on 05.4.2006 - the date, on which, it was scheduled to be convened, then the respondent should have passed an order pursuant to that. Since no record was produced before the learned Single Judge in that regard, we can safely presume that no such timing conference was conducted and we are inclined to accept the stand taken by the appellant that the timing

conference stood adjourned. In any event, these are all issues to be considered by the respondent and therefore, we are of the view that the said representation of the appellant dated 19.2.2018 should be considered on merits and in accordance with law.

8. In the result, the writ appeal is allowed, the order passed in the said writ petition is set aside and the respondent is directed to consider the said representation of the appellant dated 19.2.2018 on merits, pass a speaking order in accordance with law and communicate the same to the appellant within a period of three weeks from the date of receipt of a copy of this judgment. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Secretary, Regional Transport Authority, Hosur Region,
Krishnagiri District.

+1cc to Mr.K.Venkatesan, Advocate Sr.36239
+1cc to the Government Pleader Sr.37690

WA.No.1348 of 2019

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