

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29951 of 2019

L.Jayachandra Babu

.. Petitioner

/versus/

The Transport Commissioner cum
State Transport Authority,
Chepauk,
Chennai-600 005.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the representation dated 09.01.2018 submitted by the petitioner to the respondent requesting renewal of Inter State Route Permit from Bangalore to Pondicherry and Bangalore to Tiruchirapalli for a further period of 5 years in accordance with the provisions Section 6(1) of the Act 41 of 1992.

For petitioner : Mr.K.Venkatesan

For Respondent : Mr.N.Inbanathan, AGP

O R D E R

The petitioner firm namely Rangavilas Motor Transport is operating 9 stage carriages and operating 5 carriages bus within the State.

2. As per the Tamil Nadu Motor Vehicle (Special Provision) Act 1992 small operators with less than 5 stage carriages permit, which are valid between the period from 04.06.1976 and 30.06.1990 were termed as saved operator under the Motor Vehicles Act 1939 or Motor Vehicles Act 1989 or any other draft or approved scheme formed under those Acts and the consequential renewal of those are saved. While so, the Government Order in G.O.Ms.No.634, Home Transport Department dated 12.11.1973, restricted the holding of the small operators upto three permits. The petitioner herein, who has permit to ply his vehicles covering route from Bangalore to Puducherry and Bangalore to Trichirappalli gave a representation for renewal of his permit to cover the route. Since his representation was not considered, the present writ

petition is filed.

3. The learned Additional Government Pleader appearing for the State Transport Authority submits that the request of the petitioner to renew the bus route permit in respect of Bangalore to Puducherry and Bangalore to Trichirapalli for further period of three years in accordance with the provision of 41/92 was considered and found that the applicant is not a saved operator as defined under the Tamil Nadu Special Provisions Act, 41/92. The applicant has also not produced any valid record of the vehicle for consideration. Therefore, after considering the material placed by the petitioner and the law in force, the request of the petitioner has been rejected. The proceedings to the above effect has been passed by the 1st respondent in R.No.32902/E4/2018 dated 20.11.2019.

4. Since the representation of the petitioner has been considered and order has been passed, nothing survives in this writ petition. If the writ petitioner is aggrieved by the order dated 20.11.2019, it is open to the petitioner to challenge the said order, in accordance with law.

5. With the above observation, this writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

The Transport Commissioner cum
State Transport Authority,
Chepauk,
Chennai-600 005.

+1cc to Mr.K.Venkatesan, Advocate SR.98125
+1cc to the Government Pleader SR.98061

W.P.No.29951 of 2019

NRL (CO)
CB(07/01/2020)