



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.3954 of 2019

Jothi Bus Transports,
No.512, Kamaraj Road,
Tirupur-641 604.
Rep. by its Managing Partner
S.Nandakumar

... Petitioner

Vs

1.The Regional Transport Authority,
Karur Region, Collectorate,
Karur.

2.The Regional Transport Authority,
Tirupur Region, Collectorate,
Tirupur.

3.The Regional Transport Officer,
Karur District, Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent made in Na.Ka.No.27445/E2.2018, dated 10.8.2018, quash the same and further directing the 1st and 3rd respondent to transfer the permit records of the vehicles of the petitioners TB 42 Q 3649 and TN 42 R 1870 for the route Tirupur to Karur to the 2nd respondent forthwith.

For Petitioner : Mr.T.Padmanabhan
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the order, dated 10.08.2018 passed by the third respondent in Na.Ka.27445/C2.2018 , rejecting the request made by the petitioner to transfer the permit records pertaining to his vehicles bearing registration numbers TN 42 Q 3649 and TN 42 R 1870 from Karur to Tirupur.

2. According to the petitioner, they are bus operators for the past four decades and they hold stage carriage permits for their buses bearing Registration numbers TN 42 Q 3649 and TN 42 R 1870 to operate on the inter district route from Tirupur to Karur via



Kangayam and Vellakoil, for a distance of 90 kms. According to them permits were issued long back by the first respondent and were being renewed from time to time and now valid upto 01.01.2020.

3. According to the petitioner, Tirupur District with headquarters of Tirupur was carved out by bifurcating the areas from Coimbatore and Erode District, by issuing of a notification No.G.O.Ms.617 (Revenue)(RA) Department, dated 24.10.2018. According to the petitioner in view of the bifurcation areas from Coimbatore and Erode Districts for a distance of 55 kms, out of 90kms comes under Tirupur District. According to petitioner in view of the said bifurcation, the competent authority who can exercise power to renew the permits, issues fitness certificate for the vehicles and other incidental matters comes under the jurisdiction of the second respondent namely, the Tirupur region of the first respondent.

4. According to the petitioner under Rule 197-A of the Tamil Nadu Motor Vehicles Rules, 1989, since major area of the operation of the petitioner's buses are in the Tiruppur Region subsequent to the bifurcation in the year 2008, the petitioner is entitled to transfer the permit records pertaining to their bus bearing Reg.Nos TN 42 Q 3649 and TN 42 R 1870 from Karur Region to Tirupur Region. Therefore they applied for transfer of permit records from Karur to Tirupur under Rule 197- A of the Tamil Nadu Motor Vehicles Rules. It is also the case of the petitioner that eventhough they are renewing the permit every five years at Karur office even after the bifurcation of the district in the year 2008, the respondents have not transferred the permit records to the Tirupur Region and therefore, the petitioner was constrained to file an application under Rule 197- A Tamil Nadu Motor Vehicle Rules 1989, but according to the petitioner by an order, dated 10.08.2011, the application submitted by the petitioner under Rule 197- A Tamil Nadu Motor Vehicles Rules, 1989 was rejected by the first respondent by passing a non speaking order without assigning any reason excepting stating that only at the time of bifurcation of the Districts, the said application is maintainable.

5. Today, the learned Additional Government Pleader for the respondent has placed before this Court the written instructions received by him from the Secretary, Regional Transport Authority Karur-7, wherein, they have stated as follows:

" According to the provisions of Rule 197-A of TNMV rules- 1989, any permit or counter signature of permit granted by the RTA of undivided district on and from the date of bifurcation or trifurcationm deemed to be granted by the RTA of the newly formed region, to whose jurisdiction, such permit stands transferred provided that the permit of counter- signature is valid or valid application for renewal is pending on such date. Even though Tirupur District was newly formed as yearly



as during the year of 2008, the permit holder should have claimed for transfer of their permits to the accounts of newly formed RTA at the time of bifurcation or even before filing application for renewal of permit. But for the past 10 years the permit holder themselves have filed periodical renewal applications before the RTA Karur and the permits were renewed by the RTA Karur from time to time. Hence the request of the permit holder is not liable for consideration under Rule 197-A of TNMV Rules -1989, after a lapse of 10 years since the formation of new district.

Further, the Government have ordered for creation of new Tirupur District vide G.O.(Ms) No.617/Revenue (RA1) Department dated 24.10.2008 by reorganization of jurisdictions of Coimbatore and Erode District only and any part of the jurisdiction of Karur District is not altered. As such the newly constituted Tirupur District is not at all bifurcated from the Karur District. Hence the provisions of Rule 197-A of TNMV Rules- 1989 is not applicable in respect of permits granted and renewed by the RTA Karur. Therefore the question of transfer of permits to the control of newly formed Tirupur region as claimed by the permit holder does not arise. As such the arguments of the petitioner in these paras are not sustainable"

6. Rule 197- A of the Tamil Nadu Motor Vehicle Rules 199 reads as follows:

"197-A Validity of Permit- when bifurcation etc., of a district-(1) Any permit granted or issued or any counter - signature of permit granted or made by the Regional Transport Authority of any undivided district shall, on and from the date of publication of bifurcation or trifurcation , be deemed to be a permit granted, issued or counter signature of permit granted or made by the Regional Transport Authority of the newly formed Region to whose jurisdiction such permit or counter signature stands transferred as a result of such bifurcation or trifurcation, provided that the permit or the counter signature is valid or a valid application for renewal is pending on such date"

7. As seen from the aforesaid rules, it does not stipulate that an application for transfer of permit from one region to another will have to be made immediately on the bifurcation of the Districts. It also does not bar the respondent to transfer the permit records just because the petitioner has renewed the permit periodically for his vehicles even after bifurcation in the year



8. Therefore, the stand taken by the respondent that the petitioner ought to have applied for transfer of permit records immediately after bifurcation of the Tirupur District in the year 2008 and not now, cannot be accepted by this Court. Further, no prejudice will be caused to the respondent if the permit records of the petitioner are transferred to Tirupur Region from Karur Region, as major portion of his operation of their buses are only at Tirupur Region.

9. For the foregoing reasons, this Court is of the considered view that the third respondent has passed impugned order, dated 10.08.2018 by total non application of mind by not applying Rule 197- A of the Tamil Nadu Motor Vehicle Rule 1989 correctly.

10. In the result, the impugned order, dated 10.08.2018 passed by the third respondent is hereby quashed and the third respondent is directed to transfer the permit records of the petitioner's buses bearing registration numbers TN 42 Q 3649 and TN 42 R 1870 to the second respondent within a period of four weeks from the date of receipt of a copy of this order.

11. With the aforesaid direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

aav

To

1. The Regional Transport Authority,
Karur Region, Collectorate, Karur.
2. The Regional Transport Authority,
Tirupur Region, Collectorate, Tirupur.
3. The Regional Transport Officer,
Karur District, Karur.

+1CC TO MR.T.PADMANABHAN, Advocate Sr. No. 59392

W.P. (MD) No. 3954 of 2019
04.04.2019

TR (22.04.2019) 4P 5C