

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.03.2019

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

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W.P. (MD) .No.5500 of 2019**and****W.M.P. (MD) No.4366 of 2019**

S.Rajendraprasad

... Petitioner

-vs-

1) The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

2) The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to permit the petitioner's Mini Bus bearing Registration No. TN 74 E7817 as per letter issued by the Assistant Engineer, PWD in letter No. Ko35/878/2018 dated 14.08.2018 ply on the route Erachigulam High School turning to Thittuvelai junction forth with.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

O R D E R

The instant writ petition has been filed for a Mandamus to direct the respondents to permit the petitioner's mini bus bearing Reg.No. TN 74 E 7817, letter issued by the Assistant Engineer, PWD in letter No. Ko35/878/2018 dated 14.08.2018 ply on the route Erachigulam High School turning to Thittuvelai junction.

2. It is the case of the petitioner that he is holding a mini bus permit in PSC No.77/KK/2000 from the year 2000 onwards. According to the petitioner, he is permitted to operate from Vadasery Bus-stand, Mathiyas Nagar, (via) M.S.Road turning Krishnancoil, V.A.O.Office turning, Raja Kumar Thirumana Manadapam, Aruguvilai junction, Pulliyadi turning, Puliyadi bus stop, Aanaiparai, Kavimani Nager, Erachakulam High School, Sun Polytechnic and Gnanaiahapuram. According to the petitioner, the permit was renewed by the first respondent on 21.09.2017 and is valid upto 04.01.2021.



3. It is the case of the petitioner that the Assistant Engineer, P.W.D issued a letter in No.KO35/878/2018 dated 14/08/2018 wherein he has declared that it is unfit to operate heavy vehicles in Surulodu, Uorakonam, Mukkadal, Matiyas Nagar, Gnanadhasapuram, James college(near) and Sun College(near). Therefore, the petitioner approached the first respondent by giving a representation on 14.08.2018 to alter the route from Erachakulam High School turning to Thittuvillai. According to the petitioner, the total distance of the mini bus route is 14.1 kms (served area 4 kms and un-served area - 10.1 kms). It is also the case of the petitioner that till date the representation dated 14.08.2018 given by the petitioner has not been duly considered by the first respondent. In such circumstances, the instant writ petition has been filed.

4. Heard Mr.H.Velavadhas, learned counsel for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader accepts notice for the respondents.

5. The prayer sought for in this writ petition seeking to direct the respondents to permit the petitioner's mini bus bearing Reg.No.TN 74 E 7817, as per letter issued by the Assistant Engineer (PWD) in letter PSC No.77/KK/2000 dated 14.08.2018 to ply on the route from Erachakulam High School turning to Thittuvillai junction cannot be granted by this Court as it is a positive direction. It is for the authority concerned to decide as to whether the request made by the petitioner in his representation dated 14.08.2018 is feasible or not.

6. Therefore, this Court moulds the relief by directing the first respondent to consider the petitioner's representation dated 14.08.2018, in the light of the letter dated 14.08.2018 issued by the Assistant Engineer, PWD in letter No. PSC No.77/KK/2000 submitted by the petitioner to alter the route from Erachakulam High School to Thittuvillai junction, in accordance with law after hearing the other transport operators, including the petitioner operating in that area and pass final orders within a period of eight (08) weeks from the date of receipt of a copy of this order. With the aforesaid direction, the **writ petition is disposed** of. No costs. Consequently, W.M.P.(MD) No.4366 of 2019 is closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar(CS)



To

1) The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

2) The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-52577[F] dated 08/03/2019)

+1 CC to M/s.SPL GP (SR-52955[F] dated 11/03/2019)

Order made in
W.P. (MD) .No.5500 of 2019
08.03.2019

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ES/SP/15.04.2019/3P/5C