



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **25.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD)No.8832 of 2019

and

W.M.P. (MD)Nos.6850 to 6852 of 2019

N.Saraswathi @ Narayana Vadivu : Petitioner

Vs.

The Regional Transport Authority,
Nagercoil,
Kanyakumari District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent made in his proceedings in Pro.R.No.35352/A3/2018, dated .02.2019 and quash the same and to permit the petitioner's mini bus to operate inside the Vadasery Bus Stand in Vehicle Nos.TN 74 AA 0985 and TN 74 AL 7446, within the period stipulated by this Court.

For Petitioner	: Mr.H.Velavadas
For Respondent	: Mrs.J.Padmavathi Devi, Special Government Pleader Mr.F.Deepak Advocate Commissioner

ORDER

Challenge in this Writ Petition is to the proceedings of the respondent in Pro.R.No.35352/A3/2018, dated .02.2019, whereby and whereunder, the request of the petitioner to permit her two Mini Buses bearing Registration Nos.TN 74 AA 0985 and TN 74 AL 7446, to enter into Vadasery Chrishtopher Bus Stand, while plying on the route from Nagercoil Anna Stadium to Parakkai, was rejected.

2. The petitioner is a Mini Bus Operator permitted to ply the vehicles on the route of Nagercoil Anna Stadium to Parakkai (via,) Tower Junction, Anna Bus Stand, Anaipalam, Kulathoor, Chettitheru, Vilakku, Parakkai Government Middle School and Parakkai Junction. The entire stretch of the route is 8.5 Kilometers, in which, the vehicle is permitted to ply 3.8 kilometers in the served sector and 4.7 kilometers in the unserved sector.



3. The subsequent development, after the grant of permit to the petitioner, is that the route between Vadasery Anna Stadium and Ethamozhi was declared as a one way. Therefore, the petitioner had to ply her vehicle through Vadasery Bus Stand Junction, Anna Statue and Ozhinasery. Since the petitioner reaches upto Vadasery Bus Stand Junction, she seeks permission to enter the Bus Stand to which the distance is very negligible. According to the petitioner, the distance between Vadasery Anna Stadium to Vadasery Bus Stand Junction is 100 meters. The Transport Commissioner, in his letter No.90919/H1/2009, dated 29.11.2000, has communicated the decision taken by the Government in respect of permitting mini buses inside the bus stand, subject to the condition that overlapping distance of 4 kilometers should not exceed in the served sector. Therefore, he seeks permission to enter the bus stand.

4. Per contra, the learned Special Government Pleader would vehemently contend that the distance between Vadasery Anna Stadium to Vadasery Bus Stand Junction is more than 300 meters. If the petitioner is permitted to enter the Vadasery Bus Stand, it will be crossing the permitted distance of 4 kilometers.

5. In order to clarify the distance between Vadasery bus stand junction and the entrance of Vadasery bus stand, at the request of the petitioner, an Advocate Commissioner was appointed. In the Commissioner's report, it is seen that the new entrance made by the Local Authority is 234 meters away from Vadasery Bus Stand Junction. Therefore, if permission is granted, it will cross 234 meters in the alternative route. This Court in an earlier writ petition had permitted the mini bus operators to enter the bus stand, if the bus stand is on the route it plies. But, in this case, the bus stand is situated 234 meters from the route, in which the mini bus plies, that too more than 300 meters from the permitted point i.e Vadasery Anna Stadium. Hence, as contended by the learned Special Government Pleader, it will be more than 4 kilometers in the served sector.

6. It is pertinent to note that between Vadasery Bus stand and Vadasery Anna Stadium, there are lot of town buses by Transport Corporation as well as by private operators, running. The commuters get effective service through the other stage carriage operators. Therefore, extending the route beyond 4 kilometers in the served sector will go against the object of the scheme.

7. Therefore, I am not inclined to extend the route permit beyond the 4 kilometers and the request of the petitioner to enter the bus stand cannot be accepted.



WEB COPY

W.P.(MD)No.8832 of 2019

8. In view of the same, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

Vs

To

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

+1 CC to Mr.H. VELAVADHAS, Advocate (SR-101003[F] dated
25/11/2019)

+1 CC to SPL GP (SR-101531[F] dated 26/11/2019)

Order made in
W.P. (MD)No.8832 of 2019
Dated: 25.11.2019

MK (16.12.2019) 3P 4C