



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.19846 of 2019

and

WMP (MD)No.16351 of 2019

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Shanmuga Sundaram

.. Petitioner

Vs.

1.The Regional Transport Authority,
Trichy District,
Trichy.

2.The State Transport Appellate Tribunal,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dt.03/09/2019 of the 1st respondent in Notification No.105630/A2/2005 and quash the same and consequently direct the 1st respondent to complete the enquiry as per the direction of the 2nd respondent passed in Appeal No.57 of 2011 dated 11/04/2019.

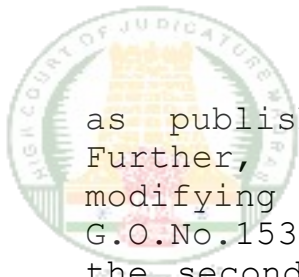
For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The petitioner, a mini bus operator, has applied permit for mini bus operation from Puthanatham to Kavulpan on 04.12.2002. Since there was no orders received, W.P.No.1786 of 2003 was filed, which was allowed on 22.01.2003 and a direction was issued to the first respondent therein to pass appropriate orders. But the said request was rejected by the first respondent on 28.07.2003. Hence, an appeal was preferred before the second respondent in Appeal No.1095/2003/A5. The second respondent, on 01.11.2004 directed the respondents therein to issue permit in the modified route to the petitioner herein. However, the second respondent has rejected the claim for grant of mini bus permit without any reason.

2.The petitioner, had earlier preferred a writ petition in W.P(MD)No.3307 of 2011 for considering his request and pass orders and the same was allowed. However, the request of the petitioner was rejected citing that a scheme was introduced in 2011 in G.O.No.126 Home (Transport III), Department dated 23.02.2011



as published in Tamil Nadu Gazette No.69, dated 23.02.2011. Further, it is stated that the said scheme was introduced modifying the earlier scheme introduced in the year 1999 in G.O.No.1537. Aggrieved by the same, an appeal was preferred before the second respondent in Appeal No.57/2011 and the same is being heard.

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3.It is now stated that G.O.Ms.No.136, Home (Transport III), Department dated 23.02.2011 was challenged and the same was quashed by this Court vide order dated 18.04.2018 in W.P(MD) No.2893 of 2011. The second respondent/the State Transport Appellate Tribunal, has now passed the impugned order stating that the respondent is going to prefer a writ appeal against the order passed in W.P.No.5614 of 2002 dated 28.09.2018, wherein an observation has been made with respect to quashing of the G.O.Ms.No.136, Home (Transport III), Department dated 23.02.2011.

4.The learned Government Advocate appearing on behalf of the respondents contended that till today no appeal has been preferred. Even against the other orders passed at the behest of other similarly placed persons, no appeal has been preferred so far. While so, the second respondent ought to have considered the appeal filed by the petitioner on merits and pass orders and cannot shirk its responsibility on the ground that an appeal is going to be filed, that too, even after the passage of one year from the date of passing of the order.

5.Considering the aforesaid facts, without going into the merits of the case, the second respondent is directed to pass orders on the appeal in memorandum No.105630/A2/2005 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6.The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.16351 of 2019 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

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1.The Regional Transport Authority,
Trichy District, Trichy.

2.The State Transport Appellate Tribunal,
Chennai.

+1 CC to SPL.GP (SR-103972[F] dated 09/12/2019)

+1 CC to MR.J.ANAND KUMAR, Advocate (SR-104047[F] dated
09/12/2019)

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