



WEB COPY

W.P.(MD)No.20636 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.20636 of 2019

and

W.M.P. (MD)No.17260 of 2019

R.Samuel Thilakar

: Petitioner

Vs.

The Regional Transport Authority (cum)
District Collector,
O/o.District Collector,
Tirunelveli.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent herein to permit the petitioner Mini Stage Carriage No.TN 76 F 3127, on the deviated route Bangalow Surandai to V.K.Pudur forthwith petitioner representation dated 01.08.2019.

For Petitioner

: Mr.T.Padmanabhan

For Respondent

: Mr.P.Kannithevan,

Additional Government Pleader

ORDER

The petitioner is a Mini Stage Carriage Operator plying vehicle on the route Surandai to V.K.Pudur Via Alagapuripattinam, Bangalow Surandai, Thayar Thoppu, Veeranam, Manur and Anai Privu. The permit is valid upto 12.04.2020. Since the route near Bangalow Surandai to Thayar Thoppu was in unworthy condition, this Court in W.P.(MD)No.11760 of 2009, directed the respondent to permit the petitioner to operate his mini bus in a deviated route. The petitioner is operating the bus in the deviated route. Now, he has sought for permission to operate his new vehicle bearing Registration No.TN 76 F 3127 in the deviated route, in view of the unworthy condition of the road to ply the vehicles. The respondent has received the application, but, refused to permit the petitioner to operate the new vehicle in the deviated route. Aggrieved over the same, the petitioner is before this Court.

2. On instructions, the learned Additional Government Pleader appearing for the respondent has produced the photographs of the mini bus route, which shows that the road is in a good condition. However, there is a request for appointment of Advocate Commissioner to ascertain the facts.



3. This Court is not inclined to conduct a roving enquiry into the factual disputes between the parties. However, considering the facts and circumstances of the case, a direction is given to the respondent to verify the motorable conditions of the road and pass appropriate orders on the application submitted by the petitioner dated 01.08.2019, within a period of four weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

The Regional Transport Authority (cum)
District Collector,
O/o.District Collector,
Tirunelveli.

+1 CC to Mr.T.PADMANABHAN, Advocate(SR-90410[F] dated 30/09/2019)
+1 CC to SPL GP (SR-90865[F] dated 01/10/2019)

SML

VB 15/10/2019 2P 4C

Order made in
W.P. (MD)No.20636 of 2019
Dated: 30.09.2019