

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.37828 to 37833 of 2015

Parveen Travels (P) Limited,  
No.115/6, Santhavelur,  
Sunguvarchathram, Sriperumbudur,  
Kancheepuram - 602 105.

... Petitioner in all 6 W.Ps

Vs.

The State Transport Authority,  
Chepauk, Chennai - 600 005.

... Respondent in all 6 W.Ps

Petitions filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondent to forthwith implement the order of the Tribunal dated 06.05.2015 made in M.V.App.Nos.16, 10, 12, 11, 9 and 15 of 2015 and grant one contract carriage omni bus permit to ply in the entire State of Tamil Nadu.

For Petitioner : Mrs.S.Radha Gopalan (in all 6 W.Ps)

For Respondent : Ms.A.Madhumathi,

Special Government Pleader (in all 6 W.Ps)

C O M M O N    O R D E R

The petitioner has filed the above Writ Petitions to issue writs of mandamus directing the respondent to forthwith implement the common order of the State Transport Appellate Tribunal, Chennai dated 06.05.2015 made in M.V.App.Nos.7 to 16 of 2015.

2.By order dated 06.05.2015, the Tribunal allowed the appeals filed by the petitioner, setting aside the order dated 18.12.2014. Further, the petitioner was granted six contract carriage omni bus permit to ply in the entire State of Tamil Nadu. Further, the petitioner was directed to obtain the copies of the order within three months from 06.05.2015 and produce valid records in respect of the vehicles within a period of three months from the date of receipt of the copy of the judgment. On such production, the respondent was directed to give effect to the orders of the Tribunal within a month's time there from. Further, the Tribunal clarified that if the petitioner fails to produce valid records within the said period, the permit granted by the Tribunal shall lapse. Since the respondent had not complied with the orders of the State

Transport Appellate Tribunal, the petitioner has approached this Court by way of the above Writ Petitions.

3.Mrs.S.Radha Gopalan, learned counsel appearing for the petitioner submitted that this Court, by order dated 07.12.2015, directed the respondent to implement the order of the State Transport Appellate Tribunal within two weeks and report compliance on 21.12.2015 and inspite of the order passed by this Court, the respondent had not complied with the orders of the Tribunal so far. Further, the learned counsel for the petitioner submitted that the order passed by the Tribunal has become final for the reason that no challenge was made with regard to the order passed by the Tribunal in the appeals filed by the petitioner.

4.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondent in all these Writ Petitions submitted that the respondent had already issued a notice dated 14.01.2020 calling upon the petitioner to appear before the Secretary, State Transport Authority, Chennai with all relevant records. Further, the learned Special Government Pleader submitted that in the event of the petitioner seeking for permit for Sleeper Coaches, they should produce the vehicle before the Authority in order to issue the permit.

5.Mrs.S.Radha Gopalan, learned counsel for the petitioner submitted that the petitioner would produce either the ordinary contract carriages or sleeper coaches before the respondent within a period of four weeks from the date of receipt of a copy of this order and on production of the same, the respondent may be directed to issue the permit granted by the State Transport Appellate Authority within a time frame.

6.Ms.A.Madhumathi, learned Special Government Pleader submitted that on production of the vehicles as stated by the learned counsel for the petitioner, the respondent would issue the permit in accordance with law.

7.Having regard to the submissions made by the learned counsel on either side, I grant four weeks time to the petitioner to produce either the ordinary contract carriages or the sleeper coaches before the respondent and on production of the same, the respondent is directed to issue the permit as per the order passed by the State Transport Appellate Tribunal within four weeks thereafter.

8.With these observations, the Writ Petitions are disposed of. No costs.

-s/d-  
Assistant Registrar

True Copy  
Sub-Assistant Registrar

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To

The State Transport Authority,  
Chepauk, Chennai - 600 005.

+1 cc to the Government Pleader sr32669  
+1 cc to M/s.Radhagopalan Advocate sr32476

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