

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11994 of 2020

R.Suresh Babu

...Petitioner

-Vs-

The Secretary
Regional Transport Authority
Hosur Region, Krishnagiri District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the Respondent to forthwith implement the order dated 30.12.2019 passed by the Honble State Transport Appellate Tribunal Chennai In Appeal No. 78 of 2019 and to grant schedule of timing to the petitioners vehicle bearing registration No. TN-24-X-1175 in respect of the route from Hosur to SIPCOT.

For Petitioner : Mr.R.Srinivasalu
For Respondents : Mr.Mani Gopi,
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to implement the orders passed by the State Transport Appellate Tribunal, Chennai made in A.No.78/2019 dated 30.12.2019 and to call for a meeting and grant Schedule of Timings to enable the petitioner to ply his vehicle.

2. It is seen from the records that the petitioner and his mother, after the demise of his father, were operating an Inter State Stage Carriage. There was some dispute as among the family members. Ultimately, the matter reached State Transport Appellate Tribunal, Chennai and an order was passed on 30.12.2019. The relevant portions of the order is extracted hereunder.

"5. Point No. (i) & (ii):

The learned counsel for the appellant mainly contended that, in the writ appeal, the Hon'ble Division Bench of Madras High Court directed the authority to

consider the application of the appellant, but the authority without following the observations laid down in the writ appeal, consider the application following the writ petition which was set aside by the Division Bench and on this sole ground the impugned order deserves to be set aside and the matter may be remitted back for fresh consideration.

The Departmental Representative objected to remit back the matter for fresh consideration.

Arguments heard. On preliminary scrutiny of the file itself it shows that, Hon'ble Division Bench of Madras High Court in W.A.No.1348/2019 by order dated 12.04.2019, clearly held as follows:

"In the result, the writ appeal is allowed, the order passed in the writ petition is set aside and the respondent is directed to consider the said representation of the appellant dated 19.02.2018 on merits, pass a speaking order in accordance with law and communicate the same to the appellant within a period of three weeks from the date of receipt of a copy of this judgment."

But on perusal of the impugned order, though the authority referred the judgment in W.A. in reference No.7, passed the impugned order following the order of the Hon'ble High Court in writ petition. In the writ appeal order passed in the writ petition has been set aside the Division Bench of Hon'ble High Court directed the authority to consider the representation and pass a speaking order. In view of the judgment of our Hon'ble Division Bench of High Court, the order of the authority passed following the orders passed in writ petition is liable to be set aside and accordingly set aside and the matter has to be remitted back for fresh disposal.

In the result, the appeal is allowed by setting aside the order of the Regional Transport Authority, Krishnagiri, made in proceedings in R.No.64061/B3/19, dated 16.08.2019. The matter is remitted back to Regional Transport Authority for fresh consideration for conducting timing conference and for passing necessary orders, as per orders passed by Hon'ble Division Bench of Madras High Court in A.No.1348/2019, dated 12.04.2019 and in accordance law and in the light of the findings made above."

3. The grievance of the petitioner is that the above order has not been implemented by the respondents till date and therefore, left with no other alternative, the present writ petition has been filed before this Court seeking appropriate relief.

4. Learned counsel for the petitioner submitted that the respondent ought to have convened a Timing Conference by calling all the parties to enable the parties to operate their respective Stage Carriage transport. However, no meeting has been convened till date and the order of the Appellate Tribunal has not been implemented.

5. Heard Mr. Mani Gopi, learned Government Advocate appearing on behalf of the respondent.

6. Taking into consideration the facts and circumstances of the case and also of the fact that an order has already been passed by the State Transport Appellate Tribunal on 30.12.2019, there shall be a direction to the respondent to conduct a Timing Conference and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The respondent shall issue appropriate notice to all the parties concerned before passing final orders. The petitioner is directed to make a fresh representation to the respondent along with a copy of the order passed by the State Transport Appellate Tribunal dated 30.12.2019 and also a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Secretary, Regional Transport Authority, Hosur Region,
Krishnagiri District.

+1cc to Mr. R. Srinivasalu, Advocate in Sr. 29171
+1cc to the Government Pleader in Sr. 29234

W.P.No.11994 of 2020

nmi (co)
rv (28/9/2020)