

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.10.2020
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
W.P.No.14191 of 2020
and
WMP No.17664 of 2020

M.Kalaiselvan

...Petitioner

Vs.

1 The Regional Transport Authority
Kallakurichi.

2 The Regional Transport Officer
Kallakurichi.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to forthwith consider and pass orders on the representation of the petitioner dated 19.03.2020 to ply his mini bus plying on the route 'Chinnasalem Bus Stand to Anumandhai' on the diverted route via. Nainarpalayam Bus Stand, Pethavaram to reach the destination till such time the road is required and in a motorable condition.

For Petitioner : Mrs.Radha Gopalan

For Respondents: Mr.M.Mani Gopi
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to pass orders on the representation made by the petitioner on 19.03.2020 within a time limit fixed by this Court.

2. The case of the petitioner is that the earlier permit holder one Jayapal was holding the 'stage carriage permit' to ply in the route from Chinna Salem Bus Stand to Anumandhai. This permit was transferred in the name of the petitioner by the proceedings of the Regional Transport Authority, Ulundurpet, dated 27.08.2019.

3. The road condition became very bad and consequently, plying the vehicle also became impossible in the route, for

which the permit was granted. The earlier permit holder, namely, Jayapal gave a representation in this regard. Since the same was not considered, he approached this Court and filed W.P.No.12536 of 2011. This Court passed an order on 21.07.2011, directing the concerned authority to pass orders within a period of four weeks. The specific case of the petitioner is that no orders were passed inspite of the earlier directions given by this Court.

4. The further case of the petitioner is that already the Regional Development Officer of the Panchayat Union has sent a memo in the year 2011 itself to the Regional Transport Officer, Villupuram, explaining the condition of the route and specifically stating that it is impossible to ply vehicles and a bridge has to be constructed.

5. After the permit was transferred in the name of the petitioner, the petitioner gave a representation to the Regional Transport Authority at Ulundurpet along with all the relevant documents. No action was taken on the representation made by the petitioner. Therefore, the petitioner has again made a detailed representation on 19.03.2020 to the first respondent explaining the entire facts of the case and has requested for a permission to ply the vehicle in the diverted route till the road is restored to a road-worthy condition. The grievance of the petitioner is that even this representation has not been considered by the first respondent and left with no other alternative, the present Writ Petition has been filed before this Court.

6. Heard Mrs.Radha Gopalan, learned counsel appearing on behalf of the petitioner and Mr.M.Mani Gopi, learned Government Advocate appearing on behalf of the respondents.

7. The learned Government Advocate, on instructions, submitted that the Regional Transport Officer, Ulundurpet, has fixed a date for the inspection of the route on 22.10.2020 at 3.00 p.m and after inspection, a report will be submitted before the first respondent and the first respondent will, thereafter, passed necessary orders. The learned counsel submitted that the petitioner can be present at the time when the inspection is made.

8. The learned counsel for the petitioner submitted that the petitioner is already permitted to operate in the alternate route orally by the authorities and the petitioner will continue to ply the vehicle in the alternate route till final orders are passed by the first respondent.

9. Taking into consideration the facts and circumstances of the case, there shall be a direction to the Regional Transport Officer, Ulundurpet, to inspect the route and submit a report before the first respondent within a period of four weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the report, shall pass necessary orders within a period of four weeks thereafter. In the mean time, the petitioner can also participate at the time of inspection to be conducted on 22.10.2020 at 3.00 p.m. Till final orders are passed by the first respondent, the petitioner can be permitted to ply the vehicle in the diverted routed.

10. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Mra

To

- 1 The Regional Transport Authority
Kallakurichi.
- 2 The Regional Transport Officer
Kallakurichi.
- 3 Regional Transport Officer,
Ulundurpet.

+1 cc to Mr.S.RadhaGopalan Advocate sr33244

WEB COPY

W.P.No.14191 of 2020
and
WMP No.17664 of 2020

pp(co)
aa03/11/2020