



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A. (MD) No.167 of 2020

and

C.M.P. (MD) Nos.1186 & 1187 of 2020

N.Saraswathi @
Narayana Vadivu

... Appellant

-vs-

The Regional Transport Authority
Nagercoil
Kanyakumari District

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.11.2019, passed in W.P.(MD) No.8832 of 2019, on the file of this Court.

Prayer in WP(MD). 8832/2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the respondent made in his proceedings in Pro. R.No.35352/A3/2018 dated .02.2019 and quash the same and to permit petitioners mini bus to operate inside the Vadasery Bus Stand in Vehicle Nos. TN 74 AA 0985 & TN 74 AL 7446 within the period stipulated by this Hon'ble Court.

For Appellant : Mr.H.Velavadas

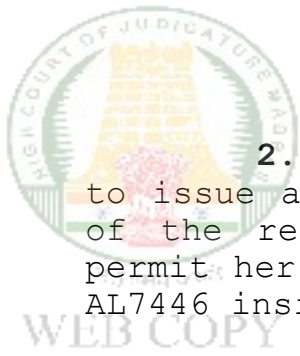
For Respondent : Mr.S.Angappan

Government Advocate

JUDGMENT

[Judgment of the Court was made by M.DURAI SWAMY, J.]

Challenging the order, dated 25.11.2019, passed in W.P.(MD) No.8832 of 2019, by the learned Single Judge, the writ petitioner has filed the above writ appeal.



2. The appellant / writ petitioner filed the writ petition to issue a writ of certiorarified mandamus to call for the records of the respondent, dated Nil.02.2019, to quash the same and to permit her Mini Buses bearing registration Nos.TN74 AA0985 and TN74 AL7446 inside the Vadasery Bus Stand.

3. It is the case of the appellant that she is a Mini Bus Operator permitted to ply her vehicles in the route of Nagercoil Anna Stadium to Parakkai via., Tower Junction, Anna Bus Stand, Anaipalam, Kulathoor, Chettitheru Vilakku, Parakkai Government Middle School and Parakkai Junction. After the grant of permit to her, the route between Vadasery Anna Stadium and Ethamozhi was declared as one-way. Therefore, she had to ply her Mini Buses through Vadasery Bus Stand Junction, Anna Statue and Ozhinasery. At this juncture, the Transport Commissioner, by his letter dated 29.11.2000, had communicated the decision taken by the Government in respect of permitting the Mini Buses inside the Bus Stand, subject to the condition that overlapping distance of four kilometers should not exceed in the served sector. In these circumstances, the appellant gave a representation, dated 31.07.2018, to the respondent requesting to permit her two Mini Buses to enter Vadasery Chrishtopher Bus Stand while plying in the route from Nagercoil Anna Stadium to Parakkai.

4. The respondent, by order dated Nil.02.2019, had rejected the request of the appellant observing that the Motor Vehicles Inspector Grade-I, Nagercoil, has reported that if the Mini Buses are operated inside the Vadasery Christopher Bus Stand, the served sector of the route will be 4.1 Kilometers, which is against the Transport Commissioner's letter, dated 29.11.2000 and the maximum overlapping distance should not exceed four kilometers in the served sector. Challenging the same, the appellant filed the writ petition.

5. The learned Single Judge, taking into consideration the case of both sides, by the impugned order dated 25.11.2019, dismissed the writ petition. Aggrieved by the said order, the appellant has filed the above writ appeal.

6. The learned Government Advocate appearing for the respondent submitted that the writ petitioner has got a remedy by way of appeal before the State Transport Appellate Tribunal against the rejection of her request by the respondent and therefore, the writ petition filed by her is not maintainable.

7. Though the abovesaid point was not raised before the learned Single Judge, the same can be taken up for consideration in the writ appeal, since the appellant has got a remedy by way of appeal before the State Transport Appellate Tribunal against the



rejection of her request by the respondent. In such circumstances, we are not inclined to interfere with the order passed by the learned Single Judge.

8. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-5022[F] dated 06/02/2020)
+1 CC to M/s.SPL GP (SR-5206[F] dated 07/02/2020)

KRK

TE : 18/02/2020 : 3P/4C

W.A.(MD) No.167 of 2020 and
C.M.P.(MD) Nos.1186 & 1187 of 2020
06.02.2020