



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.07.2020

CORAM :

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD).No.5300 of 2020

S.Manimegalai

... Petitioner

Vs.

1.The Regional Transport Authority,
Trichy West,
Trichy.

2.The Secretary/The Regional Transport Officer,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent dated 16.02.2020 in R.No.13542/A2/2019 and quash the same and consequently direct the first respondent to consider the application of the petitioner afresh for grant of Mini Bus permit for the route Manapparai to TNPL Outer via Court, Kalingapatti, Udayapatti, Thanimanickanpatti, K.Parappati after providing opportunity to the petitioner.

For Petitioner	: Mr.J.Anandkumar
For Respondents	: Mr.M.Rajarajan Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner has submitted an application for grant of minibus permit for the petition mentioned route. The said request was rejected by the impugned order dated 16.02.2020. The petitioner challenges the same on the ground that he was not put on notice before passing the impugned order.

3.The learned Government Advocate states that the petitioner failed to enclose solvency certificate as required under Rule 167 (i) (a) of Tamil Nadu Motor Vehicles Rules, 1989 and that the application itself is contrary to Clause 4 of the Modified District Area Scheme, 1999 as well as the judgment rendered in W.A.Nos.135 and 136 of 2006, dated 02.08.2006.

4.Be that as it may, when the statute specifically contemplates granting of an opportunity of hearing, the same should be adhered to by the authority. In this view of the matter, the order impugned in



this writ petition is quashed and the matter is remitted to the file of the first respondent. The first respondent will afford an opportunity of personal hearing and it is open to the first respondent to pass appropriate orders in accordance with law.

5.The Writ Petition is allowed on these terms. I make it clear I have not gone into the merits of the matter. I quashed the impugned order only on a technical ground viz., non-compliance with the mandate set out in Section 80 (2) of the Motor Vehicles Act. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Regional Transport Authority,
Trichy West,
Trichy.

2.The Secretary/The Regional Transport Officer,
Trichy.

W.P (MD) .No.5300 of 2020
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KB(23.07.2020) 2P 3C