



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.10057 OF 2019

and

W.M.P(MD)No.7829 of 2019

G.Sundar Raj : Petitioner

.vs.

The Regional Transport Authority,
Nagercoil,
Kanyakumari District. : Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to permit the Petitioner to operate the mini bus bearing Registration No.TN 74 Y 2848 as per the Transport Commissioner's Circular Letter in R.No.90919/E2/2000, dated 29.11.2000 while plying on the route Marthandam Bus Stand within the period stipulated by this Court.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.J.Padmavathi Devi,
Special Govt.Pleader

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondent to permit the Petitioner to operate the mini bus bearing Registration No.TN 74 Y 2848 as per the Transport Commissioner's Circular Letter in R.No.90919/E2/2000, dated 29.11.2000 while plying on the route Marthandam Bus Stand.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



3.The Writ Petitioner is already a permit holder for plying the minibus from Kuzhithurai Theatre Junction to Manjakulam. The total distance of the mini bus route is 6.7 kms(i.e.,3.5 kms in the served sector and 3.2 kms in the un-served sector).It is now stated by the Petitioner that the District Authority had declared the Kuzhithurai Theatre Junction as ''No Parking Area''. Once, it has come under ''No Parking Area'', it is difficult for the Petitioner to alight the passengers at the terminal point and board the passengers. Even if the bus is stopped for 5 or 10 minutes, the Petitioner is slapped with a fine by the Traffic Authorities. In this situation, the Petitioner has now approached this Court for extending his route upto Marthandam Bus Stand, nearly 0.5 kms from Kuzhithurai Theatre Junction to Marthandam.

4.Such proposal is vehemently opposed by the learned Special Government Pleader, who is instructed by the Regional Transport Authority as well as the State Transport Corporation. The Regional Transport Authority has submitted a plan, as per which, the Petitioner's bus can reach the Kuzhithurai junction and go to the Kuzhithurai Lakshmi Theatre Junction Roundana and take a U-Turn and go to Manjakulam. This suggestion was opposed by the learned counsel for the Petitioner stating that the said area is also declared as a ''No Parking Area''. However, the Regional Transport Authority and the State Transport Corporation would contend that it is not a ''No Parking Area'' and that there is ample space for the mini bus to take a U-Turn and ply on its permitted route. It is further stated by the learned Special Government Pleader that the Petitioner can park the vehicle for ten minutes in the said Roundana area for the purpose of alighting and boarding of the passengers in his bus, without any hindrance to the free flow of traffic. Such submission of the learned Special Government Pleader is recorded.

5.In view of the above, the Regional Transport Authority, Nagercoil, Kanyakumari District/the respondent herein, is directed to ear-mark the space in the said Kuzhithurai lakshmi Theatre Roundana for the Petitioner's bus to be stopped not beyond 10 minutes for the purpose of alighting and boarding of the passengers. The Petitioner also in obedience of the traffic authorities and the rules, will not extend the route beyond the Lakshmi Theatre Junction. It is the responsibility of the Regional Transport Authority to ensure that no inconvenience is caused either to the public or to the motorists in that junction, as the said junction is suggested only by the authorities for the termination of the Petitioner's mini bus. The respondent is also directed to ear-mark the space for parking the Petitioner's mini-bus within a period of two weeks from the date of receipt of a copy of this order.



6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD-I)

/ /2020
Sub Assistant Registrar(CS)

To

The Regional Transport Authority,
Nagercoil, Kanyakumari District.

+1 CC to M/s.Special Govt.Pleader (SR-3712[F] dated 29/01/2020)
+1 CC to M/s.H.VELAVADHAS, Advocate (SR-3292[F] dated 28/01/2020)

ORDER MADE IN
W.P (MD) NO.10057 OF 2019
and
W.M.P (MD) No.7829 of 2019
27.01.2020

vsn
SDS(10.02.2020) 3P-4C