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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)Nos.1121 and 1122 of 2019

and

W.M.P.(MD)Nos.942 and 943 of 2019

S.Saravana Bavan
Proprietor, S.S.S.Transport,
No.98, Power House Road,
Erode District, Erode-1. ... Petitioner in W.P.(MD)No.1121 of 2019

S.Jegathambal ... Petitioner in W.P.(MD)No.1122 of 2019
Vs.

1.The Regional Transport Authority,
Karur District, Karur.

2.The Secretary / the Regional Transport Officer,
Regional Transport Authority,
Karur District, karur.

3.The Motor Vehicle Inspector, Gr.II,
Unit Office, Manmangalam,
Karur District. ... Respondents in both WP's

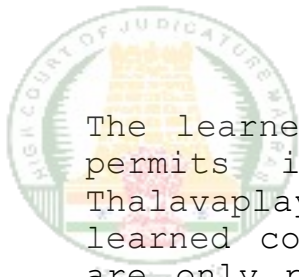
COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein from interfering with the operation of the stage carriage permit of the petitioners bearing Regn.Nos.TN 33 BF 9540 and TN 33 BL 2047, respectively plying on the route Karur to Erode (via) Velayuthampalayam, Velur, Noyyal, Kodumudi, Unjalur, and Ganapathipalayam, while operating in between Karur and Velayuthampalayam and vice versa on the straight route namely NH7.

For Petitioner : Mr.M.Palani
For Respondents : Mr.M.Rajarajan
Additional Government Pleader

COMMON ORDER

Heard the learned counsel for the writ petitioners and the learned Additional Government Pleader for the respondents.

2. The petitioners are the stage carriage operators. They have been plying their vehicles on the route Karur to Erode (via) Velayuthampalayam, Velur, Noyyal, Kodumudi, Unjalur, and Ganapathipalayam. The grievance of the petitioner is that the respondents are insisting that the petitioners should go from Karur to Velayuthampalayam through Thalavapalayam and Thottakurichi only.



The learned counsel for the petitioners draws my attention to the permits issued by the authorities. In the said permits, Thalavapalayam and Thottakurichi have not been mentioned. The learned counsel for the petitioners would further state that they are only plying buses according to the permit conditions and they did not deviate therefrom.

3. In response to the said submission, the learned Additional Government Pleader appearing for the respondents would point out that the permits in question were granted some four decades ago. Though Thalavapalayam and Thottakurichi have not been mentioned in the permits, buses have been operating only through the said routes originally. But, after NH-7 was formed, the buses are skipping these two places and going directly to Karur from Velayuthampalayam and vice-versa. The stand of the authorities is that by skipping these two places and by operating the buses on the deviated straight road, NH-7, the people in the curtailed sector in Thalavapalayam and Thottakurichi are deprived of bus facility.

4. I posed a direct question to the learned counsel for the petitioner as to how the petitioners were operating their buses before the formation of NH-7. The learned counsel appearing for the petitioners submitted that all the buses were plying only through Thalavapalayam and Thottakurichi and now all the buses are going in NH-7 route. He submitted that the petitioners cannot be selectively targeted.

5. I find considerable force in the said contention raised by the learned counsel for the petitioners. The learned Additional Government Pleader, on instructions, would submit that henceforth, all the operators will have to ply only through Thalavapalayam and Thottakurichi, if they have been originally plying through the said route before the formation of NH-7. In other words, the petitioners will not be differently treated. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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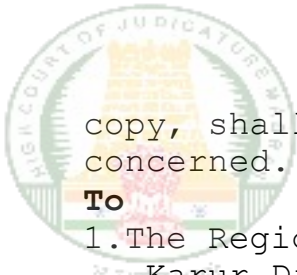
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Sub Assistant Registrar(CS)

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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

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copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Regional Transport Authority,
Karur District, Karur.

2.The Secretary / the Regional Transport Officer,
Regional Transport Authority,
Karur District, karur.

3.The Motor Vehicle Inspector, Gr.II,
Unit Office, Manmangalam,
Karur District.

+1 cc to Mr.M.MURUGAN ,Advocate, SR No.15140

+1cc to M/s.Special Government Pleader, SR No.15079

W.P.(MD)Nos.1121 and 1122 of 2019
25.08.2020

KK(10.09.2020) 3P 6C