



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.157 of 2019

E.S.Ganesan

Rep by his authorised signatory
K.Kumari Selvan

Petitioner

Vs.

1.The Government of Tamilnadu,
Rep by its Principal Secretary,
Home Department,
Fort St.George,
Chennai - 600 009.

2.The State Transport Authority,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The Regional Transport Authority,
Visvasapuram,
Thovalai Post,
Kanyakumari District.

Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order by the third respondent vide proceedings R.No.13142/A3/2017 dated 23.06.2017, quash the same and consequently directing the third respondent to issue a mini bus permit to the petitioner for the route from Nagercoil Anna Bus Stand to Kazhaputhalam Via, Government Hospital, Pathinettampadi Junction, Parakkai Melatheru, Parakkai, Kakanpudur Junction, Kadettipirivu, Thengamputhur, Vellankudy Junction, Thengamputhur Village office turning, Palkulam Thiruppu, Panavillai, Puthalam, Puthalam Ammankovil and Sowmiapuram.

For Petitioner : Mr.C.T.Perumal

For Respondents: Mr.M.Rajarajan
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.



2. The writ petitioner was originally granted route permit in the year 2001 for operating his mini bus. The route was from Anna bus stand to Keelaputhalam. In the year 2010, the petitioner applied to the authorities seeking issuance of 'B' Service permit. The petitioner claimed that his vehicle suffered breakdown. The petitioner had earlier moved this Court and following the direction given in W.P(MD) No.6148 of 2012 dated 02.12.2016, the impugned order came to be passed. The petitioner's request was rejected. Challenging the same, the writ petition has been filed.

3. When the matter was taken up for hearing, some confusion arose as regards A & B Service. Now, the same has been clarified that such expressions are used in common parlance and there is no such provision in the Act or the statutory rules

4. It is seen that the petitioner had sold away his permit. If the petitioner's vehicle had suffered broken, the petitioner can only ask for replacement of the vehicle. The question of applying for fresh permit does not arise. That apart, as rightly pointed out by the learned counsel for the respondents, once on a particular route, mini bus permit has been sanctioned, it should be treated as a served sector. I am not inclined to interfere with the impugned order. The Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Principal Secretary,
Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai - 600 009.



2.The State Transport Authority,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The Regional Transport Authority,
Visvasapuram,
Thovalai Post,
Kanyakumari District.

+1 CC to M/s.Special Govt.Pleader (SR-17125[F] dated 16/09/2020)

W.P. (MD) No.157 of 2019
15.09.2020

vrn
SDS (23.09.2020) 3P-5C