



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.16164 of 2020

and W.M.P. (MD) No.13535 of 2020

(Through Video Conference)

S.Rajendraprasad

... Petitioner

Vs

1) The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

2) The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a **Writ of Mandamus**, directing the respondent to permit the minibus bearing registration Number TN 69 A 5121 as per the representation of the petitioner dated 22.06.2020 to touching the route Lawyam Junction on the way of the route Nagaraja Kovil junction to Vellamadam Junction within the stipulated period by this Court.

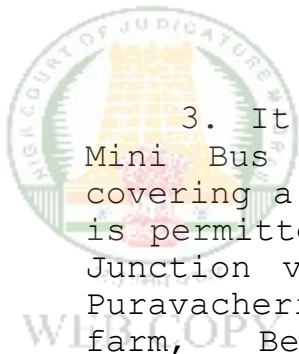
For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.C.Ramesh,
Special Government Pleader

O R D E R

Mr.C.Ramesh, learned Special Government Pleader accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus, seeking for a direction to the respondents to permit the petitioner's mini bus bearing Registration Number TN 69 A 5121 to touch the route of Lawyam Junction on the way of the route from Nagaraja Kovil Junction to Vellamadam Junction, within a period to be fixed by this Court.



3. It is the case of the petitioner that he is operating a Mini Bus from Nagaraja Kovil Junction to Vellamadam Junction, covering a total distance of 12.1 km. According to him, his mini bus is permitted to operate from Nagaraja Kovil junction to Vellamadam Junction via Swamy Theatre, Ozhuginasery, Asirvatham petrol Bunk, Puravacheri, Thirupathisaram Vilakku, Thirupathisaram, Agriculture farm, Beemanery, Veerananarayanamangalam Vilakku, Thazhakudi, Arasamoodu, Thazhakudi Meenamangalam Vilakku, Chanthaivillai Villaku and Vembathoor.

4. According to the petitioner, he received an enquiry report from the second respondent on 02.06.2020 calling upon him, not to operate his Mini-Bus through Lawyam Junction, as it is causing traffic congestion to the public.

5. It is the case of the petitioner that, he approached the first respondent on 12.06.2020 along with the second respondent's enquiry report to enable him to operate his Mini-Bus through Lawyam Junction. Thereafter, the petitioner has also given a representation to the first respondent on 22.06.2020 seeking permission to operate his Mini Bus through Lawyam Junction, on the way of route - Nagaraja Koil Junction to Vellamadam Junction. It is also the case of the petitioner that till date, the representations of the petitioner have not been considered by the first respondent. In such circumstances, this writ petition has been filed.

6. Heard Mr.H.Velavadhas, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents.

7. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondents, if the representations of the petitioner is considered on merits and in accordance with law. The petitioner has been disallowed from operating his Mini-Bus through Lawyam Junction as seen from the enquiry report, dated 02.06.2020 issued by the second respondent, as it will cause traffic congestion. The petitioner has given a representation to the first respondent to permit his Mini-Bus to operate through Lawyam junction . The representation was given on 12.06.2020. Admittedly, till date, the said representation has not been considered by the first respondent.

8. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 22.06.2020 seeking permission to operate his Mini-Bus bearing registration Number TN 69 A 5121 through Lawyam junction on the way of the route Nagaraja Koil Junction to Vellamedam junction and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after hearing the necessary parties including the petitioner.



9. With the aforesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.13535 of 2020 is closed.

WEB COPY

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

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

To:

- 1) The Regional Transport Authority,
Nagercoil,
Kanyakumari District.
- 2) The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

+1 CC to M/s.GP (SR-22210[F] dated 19/11/2020)

Order made in
W.P. (MD) No.16164 of 2020

Dated:18.11.2020

MR(CO)

TR(01.12.2020) 3P 4C