



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.16897 of 2019

and

W.M.P. (MD) .Nos.13481 and 13482 of 2019

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R.Ponnumani

... Petitioner

Vs.

1.The Regional Transport Authority,
O/o. District Collector, Thoothukudi.

2.The Secretary to Regional Transport Authority,
O/o. District Collector, Thoothukudi.

3.K.Kombiah

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertains to the first respondent proceedings made in R.No.23249/B3/2019 dated 17.06.2019 in reference to the primary proceedings in R.NO.13696/B3/2016 dated 09.03.2019 and quash the same.

For Petitioner : Mr.T.Sivanathan
For Respondents : Mr.S.Angappan
Government Advocate

O R D E R

Heard the learned counsel on either side.

2. The writ petitioner is a holder of share auto permit. He is aggrieved by the impugned order dated 09.03.2019, whereby, the first respondent had granted share auto permits for 50 applicants.

3. The petitioner's counsel contends that the first respondent has not borne in mind the direction issued by the Hon'ble First Bench in W.P.(MD).No.40809 of 2015. The said Writ Petition pertains to air pollution created by the motor vehicles.

4. I can understand if the challenge comes from a common citizen but the petitioner himself is an existing holder of a share auto permit. Therefore, it is clearly a case of pot calling the kettle black. Hence the petitioner cannot place reliance on the aforesaid order dated 30.08.2016 made in W.P.(MD).No.40809 of 2015. The petitioner cannot contend that he and a group of existing permit holders alone should be allowed to operate and that the field should be closed to new entrants. That would amount to creating a monopoly in favour of the existing pliers. This Court would be loath to do



so. The petitioner's rights have not at all been infringed. The petitioner has to co-exist along with the new entrants. Therefore, I do not find any ground to grant relief. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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,
O/o. District Collector, Thoothukudi.

2.The Secretary to Regional Transport Authority,
O/o. District Collector, Thoothukudi.

+1 CC to M/s.T. SIVANANTHAN, Advocate (SR-15487[F] dated 01/09/2020)

+1 CC to M/s.Government Pleader(SR-15566[F] dated 01/09/2020)

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