



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) No. 23967 of 2018

and

W.M.P. (MD) No. 21679 of 2018

WEB COPY

T.Vishalakshi

... Petitioner

Vs.

1.The District Collector-cum-
Regional Transport Authority,
Sivagangai District.

2.The Regional Transport Officer,
Sivagangai District, Sivagangai.

3.The Managing Director,
Tamil Nadu State Transport Corporation,
Karaikudi Division,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from operating its vehicle bearing Registration No.TN 63 N 1695 on the route Kottai Pattinam to Madurai (via) Sivagangai and Registration No.TN 63 N 1153 on the route Sivagangai to Melavakottai and other vehicles on the route Sivagangai to Marava Mangalam and Sivagangai to Ananthoor from operating on the route without any permit and timings being assigned by the concerned authority.

For Petitioner	:	Mr.M.Palani
For R1 and R2	:	Mr.M.Rajarajan
		Additional Government Pleader
For R3	:	Mr.D.Sivaraman

O R D E R

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the first and second respondents and the learned counsel appearing for the third respondent.

2. The writ petitioner is a stage carriage operator in Sivagangai District. She is operating a stage carriage bearing Registration No.TN 63 AT 1266 on the inter District route, Velarenthal to Madurai (via) Maravamangalam, Sivagangai and Tiruppuvanam. The petitioner's grievance is that the third respondent is operating the petition mentioned bus bearing



registration No.TN 63 N 1695 and the third respondent is overlapping his timings with that of the writ petitioner.

3. In response to the said averment, the third respondent has filed a counter affidavit. Paragraphs 7 and 8 of the counter affidavits read as under:-

"7. It is submitted that a stage carriage registration No.TN 63 N 1615 belongs to the respondent issued with a permit by Secretary, State Transport Authority, Chennai w.e.f., 01.11.2018 under Section 103 of the Motor Vehicles Act, 1988 to ply on the alternative routes such as 1st day from Sivagangai to Chennai (via) Thiruppathur, Pudukottai, Trichy, Villupuram and 2nd day to ply on the route with the following pattern of trips:

1.Shuttle tripe on the route Chennai to Sivagangai.

2.Shuttle trips on the route Sivagangai, Collectorate to Madurai,

3.Shuttle trips on the route Sivagangai to Madurai.

According to schedule of timings the above said bus is entitled to take trip at 12.45 p.m., at Sivagangai and proceed to Madurai as per the alternative trip.

8. It is submitted that in all days the respondent bus is being operated at 12.45 p.m., only as per the schedule of time. At 12.45 p.m., operated regularly the petitioner's vehicle entitled to take at 12.43 p.m., at Sivagangai and proceed to Madurai (via) Poovanthi, Thiruppuvanam where as the respondent bus operated on the straight route as (via) Poovanthi and Varichur on a different route. As such it is submitted that no unhealthy competition will arise at Sivagangai since there buses are being operated to Madurai on different routes."

4. The third respondent has accepted that the petitioner is entitled to operate his vehicle at 12.43 p.m., from Sivagangai to Madurai (via) Poovanthi and Varichur. The petition mentioned vehicle of the third respondent is being operated only at 12.45 p.m., and the submission made by the third respondent in the form of affidavit is recorded.

5. The learned counsel appearing for the third respondent points out that though in the writ petition, the petitioner has given the registration number of the vehicle as TN 63 N 1695 the Correct number is TN 63 N 1615. In the petition, a spare bus has also been mentioned. But, the third respondent had filed a typed set of papers and it is seen therefrom that the petition mentioned spare bus has been replaced by TN 63 N 1569 vide proceedings dated 06.11.2019.

6. Another grievance of the petitioner is that while her



vehicle reaches Velarenthal at 4.45 p.m., the third respondent is unlawfully operating their vehicle at 4.30 p.m. In this regard, the petitioner had given a representation, dated 17.02.2018. The learned counsel for the petitioner would contend that even though the Regional Transport Officer, Sivagangai vide his memo in Na.Ka.No.8100/A3/2018 dated 23.02.2018, called upon the third respondent to appear and produce the permits, the third respondent has not done so.

7. I do not want to go into the said controversy. I would instead direct the third respondent to comply with the direction given by the Regional Transport Officer, Sivagangai vide his memo dated 23.02.2018 and satisfy him that the third respondent is operating their buses as per the timings set out in the permit. The Regional Transport Officer, Sivagangai shall ensure that this exercise is concluded within a period of four weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// 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 District Collector-cum-
Regional Transport Authority,Sivagangai District.
- 2.The Regional Transport Officer,
Sivagangai District, Sivagangai.
- 3.The Managing Diretor,
Tamilnadu State Transport Corporation,
Karaikudi Division,Sivagangai District.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-14996[F] dated 26/08/2020)
+1 CC to M/s.G[(SR-15078[F] dated 27/08/2020)
+1 CC to M/s.R. MURUGAN, Advocate (SR-15139[F] dated 27/08/2020)

W.P. (MD)No.23967 of 2018

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AP(10/09/2020) 3P 7C

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