



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.23022 of 2019

S.P.Ramalakshmi

... Petitioner

Vs.

1. The Regional Transport Authority,
Tirunelveli.

2. The Regional Transport Officer,
Tenkasi.

3. The Regional Transport Authority,
Tenkasi.

(R-3 is suo motu impleaded vide
order dated 27.07.2020)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent vide his proceeding in Pro.in R.No.32675/A1/2017 dated 26.09.2019 and quash the same as illegal and consequently direct the first respondent to grant the Mini Bus Permit to the petitioner on the route Tenkasi Thomson School(Sakkadai Palam) to Agarakattu Bus Stop as per the modified area approved scheme in G.O.(Ms)No.1548, dated 17.11.1999.

For Petitioner

: Mr.C.Vakeeswaran

For Respondents

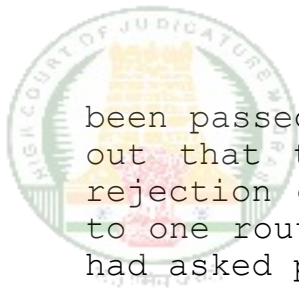
: Mr.M.Rajarajan,
Government Advocate.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner seeks issuance of the mini bus permit for the petition mentioned route. The petitioner's counsel points out that earlier he had applied for issuance of two permits for two routes. The said request was rejected and the same was questioned by the petitioner before this Court. That writ petition was allowed and the matter was remitted to the file of the Regional Transport Authority, Tirunelveli. In the meanwhile, the petitioner had specifically given up his claim for the other route and had confined his claim only for the petition mentioned route. But even without taking note of the same, the impugned order dated 26.09.2019 has



been passed by the first respondent. The petitioner's counsel points out that the impugned order is a mere repetition of the earlier rejection order. Even though the petitioner had confined his prayer to one route alone, the impugned order proceeds as if the petitioner had asked permits for two routes.

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3. I fully agree with the petitioner's contention that this on the very face of it indicates sheer non-application of mind. Therefore, on this sole ground, I have no hesitation to quash the order impugned in this writ petition. Accordingly it is quashed.

4. I take judicial notice of the fact that the District of Tirunelveli has now been bifurcated and Tenkasi District has come into existence.

5. Therefore, as rightly pointed out by the learned Government Advocate, the authority competent to consider the petitioner's prayer will be the Regional Transport Authority, Tenkasi. The said authority is now *suo motu* impleaded as the third respondent.

6. Mr.M.Rajarajan, learned Government Advocate is directed to take notice for the impleaded third respondent.

7. The matter is remitted to the file of the Regional Transport Authority, Tenkasi. The petitioner's counsel pointed out that Kannimaramman Koil Street is 23 feet wide and that therefore, the stand of the authority that it is a congested place may not really hold good.

8. Be that as it may, as per the stand taken by the second respondent/Regional Transport Officer, Tenkasi, vide his Letter R.No.32675/A1/2017 dated 27.07.2020, I direct that a combined joint inspection may be conducted in the Point Tenkasi Thomson School with the Divisional Engineer(Construction and Maintenance) and other authorities to ascertain the feasibility of plying the mini bus in question and for consideration of the grant of new mini bus permit. The entire exercise will be concluded within a period of four weeks from the date of receipt of a copy of this order.

9. This writ petition stands allowed on these terms. No costs.

Sd/-

Assistant Registrar ()

// 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 Regional Transport Authority,
Tirunelveli.
2. The Regional Transport Officer,
Tenkasi.
3. The Regional Transport Authority,
Tenkasi.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-13304[F] dated 29/07/2020)

W.P. (MD) No.23022 of 2019

27.07.2020

SPU(30.07.2020)3P 5C