



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25398 of 2019 and

W.M.P. (MD)No.21960 of 2019

WEB COPY

C.Balakumar

... Petitioner

Vs.

1. The Regional Transport Authority,
Office of the Regional Transport Authority,
Trichy.
2. The Regional Transport Officer,
Srirangam, Trichy.
3. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
4. The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City,
Trichy District.
5. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

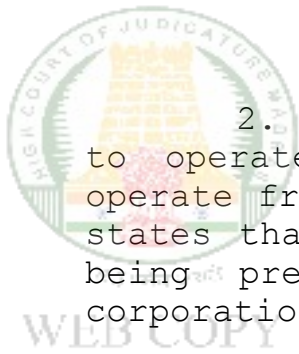
... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 3 to 5 or their officials, men and agents from interfering and creating any trouble to the operation of the petitioner's two mini buses bearing registration Nos.TN 48-K-0405 and TN 48-K-6408 plying on the route Lalgudi bus stand(Via), Manakkal, Government Hospital to reach Thinniyam as per Transport Commissioner's Circular in R.No.90919/E2/2000 dated 29.11.2000.

For Petitioner : Mr.A.C.Asaitambi
For R-1 & R-2 : Mr.S.Angappan,
Government Advocate.
For R-3 to R-5 : Mr.D.Sivaraman

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2 and the learned Standing counsel appearing for the transport



2. The writ petitioner is having two mini bus permits; one to operate from Panchannapuram to Thinniyam and the other to operate from Agricultural college to Lalgudi outer. The petitioner states that he is also entering Lalgudi bus stand and that he is being prevented from doing so by the respondent transport corporation.

3. In order to prevent the respondent corporation from interfering with his operation of the mini buses, this writ petition has been filed.

4. The learned Standing counsel appearing for the transport corporation filed a typed set of papers enclosing sketches. *Prima facie*, it appears that if the petitioner is allowed to enter Lalgudi bus stand that will exceed the limit of 4 kilometers of plying in the served sector. However, the petitioner's counsel would dispute the distance attributed by the learned Standing counsel.

5. I am therefore of the view that without getting formal permission from the first respondent, the petitioner cannot straightaway assume the right to enter Lalgudi bus stand.

6. The petitioner's counsel invokes Circular bearing R.No.90919/E2/2000 dated 29.11.2000 issued by the Transport Commissioner in support of his contention. The petitioner is at liberty to file a fresh representation to the first respondent seeking permission to enter Lalgudi bus stand. If such a petition is filed, the same will be disposed of by the first respondent on merits and in accordance with law within a period of twelve weeks, thereafter.

7. I make it clear that it is for the first respondent to pass any order on the petitioner's request. The third respondent corporation would be put on notice. Without hearing the respondent corporation, the first respondent will not pass any final order.

8. This writ petition stands disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

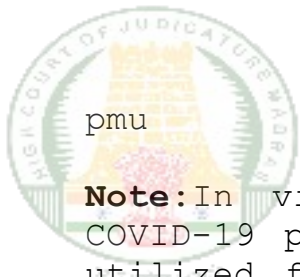
Sd/-

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,
Office of the Regional Transport Authority, Trichy.
2. The Regional Transport Officer, Srirangam, Trichy.
3. The Managing Director,
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(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
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DM City, Trichy District.
5. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

+1 CC to Mr.D. SIVARAMAN, Advocate (SR-17899[F] dated 24/09/2020)

+1 CC to SGP (SR-17947[F] dated 24/09/2020)

W.P.(MD)No.25398 of 2019
23.09.2020

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