



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

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THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.225 of 2020 &
WMP.No.250 of 2020

Vasantham Bus Transports,
represented by its Partner Mr.K.Ramaraj,
No.15/19, Patel Road,
Coimbatore-9.

...Petitioner

Vs.

1. The Secretary,
Regional Transport Authority,
Coimbatore (South),
Coimbatore.
2. Mr. Balajimani,
Proprietor, Balajimani Transport,
Irugur Road,
Balaji Costing Ponnuraman Koil Street,
Coimbatore 641 016.

..Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 17.12.2019, filed as against the 2nd respondent, who obstruct the plying of the petitioner's vehicle from Ondipudur to Thudiyalur in respect of the stage carriage, bearing Registration No.TN66 P 3773.

For Petitioner : Mr. M. Palani
For Respondents: Mr.P. Chinnadurai,
Additional Govt. Pleader for R1
Mr. Hariharan for R2

O R D E R

Heard all the parties and perused the materials placed before this Court.

2.According to the petitioner, they are having permit to ply on the route Thudiyalur to Nehru Nagar and on this route, they



are operating a stage carriage bearing Regn.No.TN66 P 3773. In the year 2005, due to construction of over bridge from Ondipudur Bus Stand towards Irugur Privu, all the vehicles were permitted to operate upto Ondipudur and no heavy vehicle was permitted under the bridge beyond Ondipudur, as a result of which, the petitioner was directed to take a diversion from a place called Jai Shanthi Theatre towards Nehru Nagar, which is at a distance of 1 ½ km from Ondipudur. However, in view of the fact that buildings have been developed on either side of road between the sectors from Ondipudur and Nehru Nagar and the road available to go to Nehru Nagar has become very narrow, the petitioner was unable to operate the vehicle on the course and hence, started to operate the vehicle from Ondipudur towards Thudiyalur, which was objected by the Transport Corporation, stating that earlier, the vehicle was operated to Nehru Nagar (via) shanthi Theatre and insisting to operate the vehicle to go to Nehru Nagar, without coming to Ondipudur. Expressing their difficulties, the petitioner made a representation to the first respondent, who in turn, after enquiry, gave up their objection and allowed the petitioner to operate its vehicle upto Ondipudur. While so, the second respondent started to give trouble for operating the vehicle from Ondipudur, which compelled the petitioner to submit a representation dated 18.12.2019 to the first respondent, to take action against the obstruction caused by the second respondent. Finding no response on the same, the present writ petition came to be filed seeking appropriate direction to the first respondent, so as to enable the petitioner to ply the vehicle from Ondipudur to Thudiyalur.

3. On 08.01.2020, when the matter was taken up for consideration, this court directed the first respondent to file report of the action taken on the representation submitted by the petitioner. Accordingly, the first respondent filed action taken report on 24.02.2020, wherein, it is inter alia stated as follows:

“6. It is respectfully submitted that to ascertain the ground reality, the Motor Vehicle Inspector Grade-I, Coimbatore (South) was asked to verify the fact and to submit the report.

7. It is respectfully submitted that the Motor Vehicle Inspector Grade-I, Coimbatore (South) has submitted his report, stating that both the operators were advised to operate their stage carriages according to the permit, trips and timings granted by the authority. Both the petitioner and the 2nd respondent herein have committed in writing stating that they will operate their services according to permit granted and assured that they will not give any room for any complaints relating to the performance. Further, he has stated that on his subsequent



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inspection on 15.02.2020, it was found that both the petitioner and 2nd respondent have not operated their stage carriages as per the assurance given and hence, he has issued vehicle inspection report to both the vehicles belonging to the petitioner and 2nd respondent herein.

8.It is respectfully submitted that on perusal of the inspection report, it is found that the petitioner's stage carriage did not adhere the schedule of trips and timings, but cut short its all regular trips at Ondipudur without reaching the destination i.e., Nehru Nagar. The stage carriage of the 2nd respondent herein is also did not adhere the schedule of trips and timings but cut short its regular trips at Gandhipuram itself without reaching the destination i.e., Maniakaranpalayam.

9.It is respectfully submitted that the irregularities committed by the petitioner and the 2nd respondent herein constitute violation of permit condition which require deterrent action against the permit of the stage carriages involved. Hence, show cause notices have been issued to the petitioner and the 2nd respondent on 19.02.2020 calling for their explanation as to why the permit of the vehicles in question should not be suspended or cancelled under sub section (1) of Section 86 of Motor Vehicles Act, 1988 and their explanation are awaited."

From the aforesaid report, it is clear that both the petitioner and the 2nd respondent have not operated their stage carriages as per the assurance given by them and they have committed irregularities in violation of permit conditions and hence, show cause notices have been issued to both the parties on 19.02.2020 as to why the permit of the vehicles in question should not be suspended or cancelled under Section 86 of the Motor Vehicles Act, 1988 and their explanations are awaited.

4.Such being the present position, as agreed by both the parties, this Court to meet the ends of justice, directs the petitioner and the second respondent to submit their objection / explanation to the show cause notices issued by the first respondent, if not already submitted, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the competent authority shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and the second respondent, within a period of six weeks thereafter. While doing so, the operation of the vehicle upto Nehru Nagar through the Bridge shall also be taken into consideration.



5.The Writ Petition is disposed of with the above direction.
No costs. Consequently, the connected Miscellaneous Petition is closed.

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s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

msr

To

The Secretary,
Regional Transport Authority,
Coimbatore (South),
Coimbatore.

+1 CC to Mr.M. Palani, Advocate sr 23598.

+1 CC to The Government Pleader sr 23993.

W.P.No.225 of 2020 &
WMP.No.250 of 2020

PMK(CO)
SP(15/07/2021)