

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.02.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.17016 of 2020

Mrs.Philina

... Petitioner

vs

1. The Secretary,
Regional Transport Authority,
Hosur Region
Krishnagiri District.

2. The Regional Transport Officer,
Hosur,
Krishnagiri District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 10.01.2020 requesting the 1st respondent authority to convene timing conference in respect of grant of mini bus stage carriage route permit for the route from Hosur Bus Stand to Pan Electronics for the vehicle bearing Registration No.TN-24X-1143 in terms of the proceedings R.No.12656/B2/2004, dated 17.3.2006 of the respondents herein.

For Petitioner .. Mr.K.Venkatesan

For Respondents ... Mr.Annai Ezhil
Government Advocate

ORDER

This writ petition is filed for a Mandamus to direct the 1st respondent to consider and pass orders on the petitioner's representation dated 10.01.2020 requesting the 1st respondent authority to convene timing conference in respect of grant of mini bus stage carriage route permit for the route from Hosur Bus Stand to Pan Electronics for the vehicle bearing Registration No.TN-24X-1143.

2. The petitioner's brother, one Suresh Babu, has made a representation for fixing the timing conference and that was rejected by the Regional Transport Authority, as against which, the said Suresh Babu filed W.P.No.26081/2003 and the writ petition was dismissed on the ground that it was made after a lapse of 12 years and he has also filed a Writ Appeal in W.A.No.1348/2019 and the Writ Appeal was allowed by order dated 12.04.2019 setting aside the order of the Writ Court and remitted the matter once again to the Regional Transport Authority. In view of the judgment of the Hon'ble Division Bench, subsequent order was passed by the Regional Transport Authority in R.No.64061/B3/19 dated 16.08.2019 and as against which, the said R.Suresh Kumar has filed an appeal before the State Transport Appellate Tribunal, Chennai in M.V.Appeal No.78/2019. The Appellate Tribunal, by order dated 30.12.2019, set aside the order of the Regional Transport Authority and remitted the matter back to the Regional Transport Authority for fresh consideration and for conducting timing conference and for passing necessary orders as per orders passed by the Hon'ble Division Bench in W.A.No.1348/2019 dated 12.04.2019 and in accordance with law and in the light of the findings made therein. Even thereafter, the case of R.Suresh Babu has not been considered. Therefore, the petitioner's brother, Suresh Babu, once again, approached this Court in W.P.No.11994/2020 and this Court, by order dated 07.09.2020 directed the respondent Regional Transport Authority to conduct timing conference and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the said order. The respondent was also directed to issue notice to all the parties concerned before passing the final orders.

3. The first respondent has filed a detailed counter stating that the petitioner's husband, P.M.Raja passed away on 30.12.2011 and after a lapse of a long period she found some of the documents relating to a grant of temporary permit for mini bus route from Hosur Bus stand to Pan Electronics and requested to convene a timing conference for the temporary permit already granted in the name of her deceased husband, P.M.Raja, Hosur during 2005-2006.

4. The respondent has also pointed out some legal issues to be considered before pursuing action on the representation and the relevant paragraph in the counter affidavit reads as follows:

"legal issues such as the lapse of the modified approved scheme 2005 in which basis the temporary permit proceedings was granted under sec 99(2) of the Motor vehicles Act 1988, further publication of comprehensive modified Area Scheme of 2011 and the same has been quashed by this Hon'ble Court; all these

issues have to be considered before pursuing action on the representation dated 10.01.2020."

5. It is further stated in the counter affidavit at paragraph Nos.9 to 11 as follows:

"..... pending approval for approved modified Area scheme dated 01.06.2005, a temporary permit proceedings has been granted to Thiru P.M.Raja, the husband of Tmt.Philina so as to ply on the route Hosur Bus Stand to Pan Electronics as per Section 99(2) of Motor Vehicles Act, 1988. Further, it is also found that a timing conference notice dated 17.03.2006 had also been sent, but no timing conference was convened so far.

10. It is submitted that the matter was pursued by the husband of the petitioner from 2005-2006 and it was not pursued upto his date of death on 30.11.2011. In the meantime, the State Transport undertakes to provide transport facilities for all the areas in Hosur Taluk so as to meet the needs of travelling public.

11. It is submitted that the petitioner, after a lapse of several years has submitted a representation, requesting this authority to conduct timing conference. During the time of tracing the old records for pursuing proper action on the representation, the petitioner has approached this Hon'ble Court by filing the present W.P.No.17016/2020."

6. However, the learned counsel for the petitioner submitted that let the respondents take a decision on the representation made by the petitioner, requesting for timing conference and pass suitable order within the stipulated time and thereafter, the petitioner can work out her remedy in the manner known to law.

7. Therefore, without expressing any view on the merits of the claim made by the petitioner, this Writ Petition is disposed of, with a direction to the respondents to take a decision on the representation of the petitioner dated 10.01.2020, by considering the legal issues involved and pass orders on the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Secretary,
Regional Transport Authority,
Hosur Region
Krishnagiri District.
2. The Regional Transport Officer,
Hosur,
Krishnagiri District.

+1cc to the Government Pleader Sr.7517
+1cc to M/s.K.Venkatesan, Advocate Sr.7227

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