



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19324 of 2014
and
M.P.Nos.1 to 3 of 2014

Venkatesan

.. Petitioner

-vs-

1.Tmt.Vasanthi Moreau Nadaradjane

2.The Secretary,
State Transport Authority,
Puducherry.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari to call for the records with respect to the order of the 2nd respondent herein made in Timing Conference Notice No.18326/TD/TP1/2014 dated 03.07.2014 for fixing the revision of timings in respect of the first respondent's stage carriage PY 01 BE 0879 and to quash the same.

For Petitioner : Mr.T.Padmanabhan

For Respondents : M/s.R.Swarnalatha [For R1]
Mr.J.Kumaran

Additional Government Pleader
[For R2]

ORDER

The relief sought for in the present writ petition is to call for the records in respect of the order passed of the second respondent made in Timing Conference Notice dated 03.07.2014 and set aside the same.

2.The impugned Timing Conference Notice reveals that Timing Conference for revision timings in respect of Stage Carriage bearing registration No.PY-01/BE-0879, belonging to Tmt.Vassanthi Moreau Nadaradjane, w/o.Moreau Nadaradjane, No.5,



Mettu Street, Veema Nagar, Puducherry, covered under Permit No.29/PY/1993 valid upto 07.03.2018 permitted to ply on the Intra State Route: Pondicherry to Thirukkanur (via) Kadirkamam, Mettupalayam, Pathukannu, Pillaiyarkuppam, Valudavud, kumarapalayam and Mutrampet will be taken up by the Secretary, State Transport Authority, Puducherry on the date and time mentioned. The date and time was mentioned as 25.07.2014/4.00 p.m. The petitioner was informed to be present either in person or to depute their Managers. Objections, if any, from the sector operators will be considered subject to production of original approved timings, issued by the competent authorities.

3.Perusal of the above notice would reveal that an opportunity is provided to the writ petitioner to participate in the meeting for the purpose of resolving the dispute for revision of timing, more specifically for Intra State routes. Instead of participating in the meeting, the petitioner has chosen to file the writ petition. This Court is of the considered opinion that no writ can be entertained against such notices providing an opportunity to the person to participate and defend their case. A writ can be entertained only if any such notice is issued by an authority having no jurisdiction or an allegation of malafides raised. Even in case of raising an allegation of malafide the authority against whom such allegation is raised must be impleaded as party respondent in the writ proceedings in his personal capacity.

4.In the present case, the notice was issued on 03.07.2014 and the meeting was scheduled to be held on 25.07.2014 at 4.00 p.m. and such an opportunity provided to the petitioner would not cause any prejudice and under these circumstances, the writ itself is not entertainable and if at all, any grievance exists to the petitioner, it is left open to him to redress the same in the manner known to law.

5.In these observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cse



To

The Secretary,
State Transport Authority,
Puducherry.

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+1 cc to Special Government Pleader SR.No.31282

W.P.No.19324 of 2014

SMI (CO)
CT(29.07.2021)