



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P. (MD) .No.8240 of 2021

W.M.P. (MD) .No.6227 of 2021

Sheik Abdullah

... Petitioner

Vs.

1.The Regional Transport Officer,
Office of the Regional Transport Office,
Thanjavur.

2.The Motor Vehicles Inspector,
Thanjavur.

3.Mohammed Yaseen

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to cancel the route permit granted in favour of the third respondent for running his bus TN 33 0380 through Kalathur East (Panchayat Board) to Sethubavachathram Fish market (via) Sivankurichi, Palayanagaram, Mavadikurchi, Ponkadu, Peravurani, PWD Office, Perravurani Fish Market, Kalanikottai, Thuraiyurpiriuvusalai, Thuraiyur, Sethubavachathiram" on the basis of the petitioner representation dated 27.11.2020 within the time stipulated by this Court.

For Petitioner : Mr.R.Venkateshwar
For Respondents : Mr.D.Gandhiraj
Government Advocate
for RR1 & 2
No-appearance for R3.

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the respondents 1 and 2 to cancel the route permit granted in favour of the third respondent for running his bus bearing Registration No.TN 33 0380 through Kalathur East (Panchayat Board) to Sethubavachathram Fish market (via) Sivankurichi, Palayanagaram, Mavadikurchi, Ponkadu, Peravurani, PWD Office, Perravurani Fish Market, Kalanikottai, Thuraiyurpiriuvusalai, Thuraiyur, Sethubavachathiram", on the basis of the petitioner representation dated 27.11.2020, within the time stipulated by this Court.

2. That the third respondent was given a Mini Bus permit by the first respondent by route permit dated 28.09.2020, under which, the Mini Bus concerned of the third respondent shall ply in the following route;

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"ROUTE: KALATHUR EAST (PANCHAYAT BOARD) TO SETHUBAVACHATRAM FISH MARKET (Via) Sivankurichi, Palayanagaram, Mavadukurichi, Ponkadu, Peravurani, PWD Office, Peravurani Fish Market, Nattanikottai, Kalanikottai, Thuraiyur Pirivu Salai, Thuraiyur and Sethubavachatram."

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3. However, instead of plying the bus in the approved route, it has taken a different unapproved route via Mudachikadu and while the said bus was plying in the Mudachikadu route which is admittedly an unapproved one, on 14.10.2020, the bus met with an accident. As a result, the younger brother of the petitioner one Abudhair, who was travelling in a two wheeler, was killed. In this regard, a First Information Report has been registered at the Peravurani Police Station in F.I.R.No.1190 of 2020 for the alleged offences punishable under Sections 279 and 304(A) of IPC against the driver of the third respondent bus and according to the petitioner, the case is pending investigation.

4. In this context, since the bus in question belongs to the third respondent, instead of being operated in the approved route, was operated in the unapproved route through Mudachikadu, this kind of accident took place and therefore, in order to curtail the third respondent from plying the bus in the unapproved route and to ensure that the bus is being plied in the approved route, the petitioner has given a representation to the first respondent on 27.11.2020 and since the same has not been considered, the petitioner has approached this Court by filing the present Writ Petition.

5. Mr.R.Venkateshwar, the learned counsel appearing for the petitioner would submit that, even after the said accident took place and F.I.R was registered, the third respondent continued to operate the bus in the unapproved route. No action has been taken by the first respondent or the officials of the Motor vehicle Department of the District concerned against the third respondent and despite an injunction has been granted by this Court in this writ petition, even after that, the third respondent bus was permitted to ply in the unapproved route. Therefore, he seeks a suitable order from this Court in this writ petition.

6. Heard Mr.D.Gandhiraj, the learned Government counsel appearing for the respondent Nos.1 and 2, who relied upon the following averments made in the counter affidavit filed by the first respondent;

2. It is humbly submitted that the mini Bus in question TN 33/N-0380 was permitted to ply on the route : Kalathur East (Panchayat Board) to Sethubavachathiram Fish Market, (via) Suvankurichi,



Palayanagaram, Mavadukurichi, Ponkadu, Peravurani PWD Office, Peravurani Fish Market, Nattanikottai, Kalanikottai, Thriiyur Pirivu Salai, Thuraiyur and Sethubavachatram. The accident occurred at Mudachikadu near Muniakoil. Based on the Peravurani Police Station requestion the Motor Vehicles Inspector Gr-1, Pattukottai inspected the accident vehicle TN 33/N-0380 on 16.10.2020 and issued Accident Inspection Report to the Sub-Inspector of Police, Peravurani.

3. It is humbly submitted in continuation of the above occurrence, one representation was received by this authority on 01.12.2020 from Thiru S.Sheik Abdullah, S/o.Syed Mohamed, Muslim Street, Mudachikadu, Peravurani Tk., Thanjavur Dt., The said representation was return as N.Dis. to Thiru S.Sheik Abdullah, stated that records of proof about the accident for taking further action in this office, no reply has been received from Thiru.S.Sheik Abdullah, Peravurani till date.

4.It is submitted that the petitioner reported about un-authorized route intimation of TN 33/N-0380. If the petitioner replied to this office N.Dis. endorsement on 08.12.2020 of his representation dated 27.11.2020, action can be initiated against the unauthorized operation of the mini bus in question. However, the Motor Vehicles Inspector Gr-1, Pattukottai is instructed to check the operation of mini bus TN 33/N-0380 and report the compliance to this authority.

Based on the information, I received the said Mini Bus is found such mechanical effects and the said Mini Bus is not running through the said route. Subsequently, due to COVID-19 Pandemic situation, Transport Vehicles operation was stopped from service. Hence, un-authorised operation of the vehicle could not be detected by the enforcement authorities.

7. By relying upon the averments made in the counter affidavit, the learned Government counsel would submit that, pursuant to the representation given by the petitioner, action was initiated against the third respondent and when it was verified, the Mini Bus operated by the third respondent in the route permit was stopped due to COVID-19 and because of which, whether continuously the bus in question is being plied in the unapproved route or not? could not be detected. However, once the bus started operating again, the same would be verified and if it is found that the bus is being operated in the deviated route or the unapproved route other than the approved route, certainly stringent action would be taken under the Motor Vehicles Act and the Rules made thereunder by the first respondent and his sub-ordinates. In this case, if any further



violation is noticed by the petitioner or any other public against the bus being plied by the third respondent and if it is brought to the notice of the first respondent, certainly action would be initiated taken against the third respondent, in this regard, he contended.

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8. In view of the said stand taken by the first respondent through the counter affidavit as well as the submission made by the learned Government Counsel appearing for the respondent Nos.1 and 2, recording the same, this Court feels that this writ petition can be disposed of with a direction to the first respondent that if the third respondent Mini Bus as per the permit again started plying in the route, it must be verified and detected whether the third respondent in violation of the permitted route started plying in the unapproved route or the deviated route and in that case, very stringent action shall be taken in accordance with law. In this regard, whatever any further complaint received either from the petitioner or from any public against the third respondent shall also be attended to by the first respondent in accordance with law.

9. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Per.Admn)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ssb

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 Officer,
Office of the Regional Transport Office,
Thanjavur.

2.The Motor Vehicles Inspector,
Thanjavur.

+1 CC to M/s.GP (SR-28687[F] dated 09/09/2021)

W.P. (MD) .No.8240 of 2021

08.09.2021

NSN (CO)

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