



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.07.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12051 of 2021

K.Mariappan

... Petitioner

Vs.

1.The Transport Commissioner,
Chepauk,
Chennai - 600 005.

2.The Regional Transport Officer,
Regional Transport Office,
Sankarankovil,
Tenkasi District.

3.Mr.Arunachalapandian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to restraining third respondent's Mini-bus bearing Registration No.TN72Y8808 to enter into the Sankarankovil Bus Stand and permit to ply his Mini Bus on its permitted route from Ayyanarkovil Villakku to Ranganathapuram Vilakku.

For Petitioner : Mr.S.Ramasamy
For R-1 & R-2 : Mr.S.Shanumugavel,
Government Advocate

ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the second respondent to restrain the third respondent's Mini-bus bearing Registration No.TN72Y8808 from entering into Sankarankovil Bus Stand and to permit the third respondent to ply his Mini Bus on its permitted route from Ayyanarkovil Villakku to Ranganathapuram Vilakku.

2.The brief facts of the case are as follows:

(i) The petitioner obtained permission from the second respondent to operate his Mini-Bus bearing Registration No.TN72N0191 from Kulasekaramangalam to Sankarankovil Bus-Stand via Ventrilingapuram, Railpattadaikatti, Pudugramam, Tharmathurani and Vepankulam, for a period of five years from 13.06.2020 to 12.06.2025. He has also paid the tax and other related fees to the Government without fail for running the Mini-Bus in the above said routes.



(ii) It is the further case of the petitioner that the third respondent also obtained Mini-Bus permit from the second respondent herein to operate the Mini-Bus bearing Registration No.TN72Y8808 to ply the Mini-Bus from Ayyankovil Vilakku to Ranganathapuram Vilakku via Kalkuvari Road, Senthattipuram Road Vilakku, Veppankulam, North Kalkuvari, Tharmathurani, Pudugiramam, Pattadaikatti, Thattankulam and Ventrilingapuram.

(iii) The grievance of the petitioner is that the third respondent is not having permit to enter into the Sankarankovil Bus-Stand and taking the passengers. But, the third respondent herein is plying his Mini-Bus into Sankarankovil Bus Stand and taking the passengers and thereby causing heavy financial loss to the petitioner.

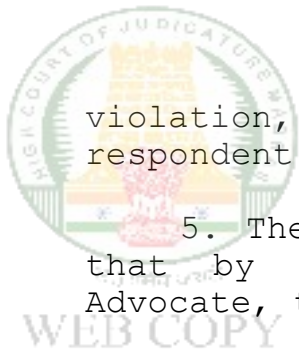
(iv) Therefore, the petitioner gave a complaint to the Sub-Inspector of Police, Sankarankovil Police Station against the third respondent for plying the bus into Sankarankovil Bus-Stand without permit and based on the same, enquiry is pending in C.S.R.No.387/2021. Subsequently, on 09.03.2021, the petitioner has also sent a representation to the respondents 1 and 2 and after receiving the same, the first respondent herein directed the second respondent to take necessary action upon the petitioner's representation within fifteen days. Despite that, the second respondent has not taken any action. Hence, this writ petition.

3. When the matter is taken up for hearing today, the learned Government Advocate appearing for the respondents 1 and 2, has produced the letter received from the Regional Transport Officer, Sankarankovil, dated 22.07.2021, wherein it has been stated as follows:

"The Motor Vehicle Inspector Grade I checked the Mini Bus TN72Y8808 on 02.07.2021, 05.07.2021, 16.07.2021 and on 22.07.2021, as to whether the Mini Bus operated according to the permit issued for that vehicle.

On 22.07.2021 the Mini Bus TN72Y8808 found plied to Sankarankovil Bus Stand and Check Report issued for the offences found at the time of the check. Further the Motor vehicle Inspector Grade I in his report stated that the owner of the vehicle was instructed not to operate the vehicle as against the permit condition."

4. The learned Government Advocate would contend that now, the third respondent is not operating his vehicle beyond the permitted routes and further, the vehicle in question will be monitored regularly by the Motor Vehicle Inspector and if there is any future



violation, necessary action will be initiated against the third respondent as per the Motor Vehicle Act and Rules made thereunder.

5. The learned counsel counsel for the petitioner would submit that by recording the submissions of the learned Government Advocate, the writ petition may be closed.

6. Therefore, by recording the said submissions of the learned Government Advocate, this writ petition is closed. No Costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

Note: (ii) 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 Transport Commissioner,
Chepauk,
Chennai - 600 005.

2.The Regional Transport Officer,
Regional Transport Office,
Sankarankovil,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-24021[F] dated 27/07/2021)

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26.07.2021

RD(3.08.2021) 3P 4C