



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.12.2021

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THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.6486 of 2019

D.S.Velmurugan

... Petitioner

Vs.

1.Assistant Secretary,
Transport Commissioner Office,
Ezhilagam, Chepauk,
Chennai - 05.

2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Limited,
Kumbakonam.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the 1st respondent to conduct the timings conference under Section 248 of Tamil Nadu Motor Vehicle Rules to change the identical departure of vehicle number TN63N 1766 Madurai to Rameswaram and further direct the 1st respondent to change the timings of the bus No.TN63N 1905 on the routes Sayalkudi to Coimbatore by giving an opportunity of personal hearing.

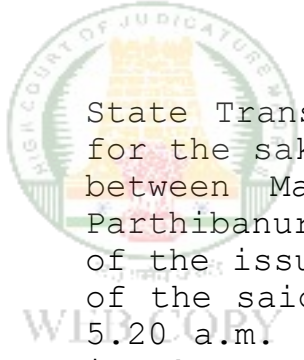
For Petitioner : Mr.R.Murugaboopathi

For Respondents : Mr.A.Baskaran,
Additional Govt. Pleader for
Mr.M.Ramesh,
Govt. Advocate for R1
Mr.Balaji for
Mr.D.Sivaraman for R2.

ORDER

Mr.R.Murugaboopathi, learned counsel on record for writ petitioner, Mr.A.Baskaran learned Additional Government pleader on behalf of State Counsel Mr.M.Ramesh for the first respondent and Mr.Balaji, learned counsel representing Mr.D.Sivaraman, learned Standing Counsel for Tamil Nadu State Transport Corporation Limited are before me.

2. Learned counsel for writ petitioner submits that writ petitioner is operating bus service between Madurai and Nainarkovil (Via) Thiruppuvanam, Manamaduri, Parthibanur and Paramakudi. Learned counsel submits that second respondent i.e., Tamil Nadu



State Transport Corporation Limited (hereinafter 'said Corporation' for the sake of convenience and clarity) is operating stage carriage between Madurai and Rameswaram (Via) Thiruppuvanam, Manamaduri, Parthibanur, Paramakudi and Ramanathapuram. The crux and gravamen of the issue is the departure time of writ petitioner's bus and that of the said corporation viz, departure at Madurai is the same i.e., 5.20 a.m. Learned counsel submits that about 80 kms and 10 stages in the two routes are common. The timings were fixed tentatively only without opportunity being given is his further say.

3. Learned counsel for writ petitioner submits that in the aforementioned backdrop, he has come up with the captioned writ petition with a simple prayer for mandamus i.e., a mandamus to direct the first respondent to conduct timing conference under Rule 248 (wrongly mentioned as Section 248 in the prayer) of Tamil Nadu Motor Vehicles Rules 1989. Plain language of Rule 248 talks about timing conference in cases where no schedule of timings has already been fixed or approved for a stage carriage or a service of a stage carriages on any route. Learned counsel submits that this case falls under this category as 5.20 a.m., departure at Madurai is only tentative timings. I express no opinion on this owing to the simple mandamus that has been sought for. Further it is to be noticed that Rule 248 makes it clear that the timing conference meeting can be held either on its own motion or on an application made to it in writing. In this case, though the writ petitioner seeks to mandamus the first respondent to hold a timing conference meeting, there is no application in writing to the first respondent. The writ petitioner has sent representation only to the Public Information Officer and there are three representations dated 29.05.2018, 13.06.2018 and 13.10.2018.

4. The Public Information Officer under the Right to Information Act is also the same authority as that of the first respondent and there is a request to conduct fresh timing conference. Therefore, this may not be a case where the writ petitioner has not approached first respondent at all.

5. Be that as it may, learned counsel for writ petitioner drew my attention to an order dated 24.01.2017 made by another Hon'ble Single Judge in **W.P.No.3534 of 2013 [M/s.Subhari Transport Vs. The Managing Director, TNSTC, Mettupalayam Road, Coimbatore]**. Learned counsel wanted me to go into the merits of the matter. A careful perusal of the order made by another Hon'ble Single Judge makes it clear that the writ petitioner therein wanted to forbear the said corporation from plying any bus in a particular route. In that writ petition while examining that prayer, the learned single judge has gone into certain aspects of timing but even there learned single judge has ultimately disposed of the writ petition with a direction to the authority concerned to hold a timing conference by giving due opportunity to both sides. Therefore, this order relied on by the learned counsel for writ petitioner does not come to his aid in his



effort to persuade me to examine the matter on merits in a simple mandamus legal drill.

6. Owing to the peculiar facts and circumstances making it clear that this is a one off matter which will not serve as a precedent and the writ petitioner having approached the first respondent but in his capacity as Public Information Officer under Right to Information Act, 2005, I deem it appropriate to dispose of the captioned writ petition by making the following order:

a) the writ petitioner shall approach the first respondent with a proper application with a prayer to hold a timing conference within three weeks from today i.e., on or before 07.01.2022;

b) if the writ petitioner does not approach the first respondent on or before 07.01.2022 that will be the end of the matter i.e, that will be curtains on the writ petitioner's campaign; and

c) if the writ petitioner approaches the first respondent with a proper application for holding a timing conference (afresh) on or before 07.01.2022, the same shall be considered by the first respondent on its own merits and in accordance with law after giving opportunity to all concerned, more particularly said corporation (i.e., second respondent) and conclude the proceedings as expeditiously as his business would permit and in any event within four weeks from 07.01.2022 i.e., on or before 04.02.2022.

7. Captioned writ petition is disposed of with the above directives. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.Assistant Secretary,
Transport Commissioner Office,
Ezhilagam, Chepauk, Chennai - 05.

2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Limited, Kumbakonam.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-39587[F] dated 20/12/2021)

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