



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.14503 of 2021

and

W.M.P. (MD)No.11433 of 2021

WEB COPY

B.Sudha

... Petitioner

Vs.

1.The Regional Transport Authority,
Trichy District, Trichy.

2.The Regional Transport Officer,
Trichy District, Trichy.

3.The Assistant Commissioner of Police,
Traffic Wing (North), Trichy.

4.The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
DM City, Trichy District.

5.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Trichy District.

... Respondents

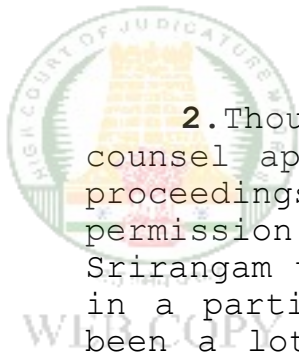
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the fourth and fifth respondents or their man or their agents from interfering or creating any trouble the operation of the petitioner's Stage Carriage bearing Registration No.TN 81 D 1742 while plying on the route Chathiram Bus Stand (via) West Boulevard Road instead of East Boulevard Road,Trichy.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.D.Ghandiraj (R1 to R3)
Government Advocate
Mr.D.Sivaraman (R4 & R5)
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus, forbearing the fourth and fifth respondents or their man or their agents from interfering or creating any trouble the operation of the petitioner's Stage Carriage bearing Registration No.TN 81 D 1742 while plying on the route Chathiram Bus Stand (via) West Boulevard Road instead of East Boulevard Road.



2. Though such prayer has been sought for herein, the learned counsel appearing for the petitioner, by relying upon the earlier proceedings would submit that though the petitioner has got permission from the respondents for a particular route between Srirangam to Keelakurichi, where inbetween the route, about 1.5 kms, in a particular road, called East Boulevard road, since there has been a lot of congestion due to the market place, the petitioner wanted to have a deviation of 1.5 kms. For such deviation, though the petitioner had approached the respondents for getting permission, the same had not been given and in this regard, even though some earlier writ petition was filed by other person sometime in 2014 for a similar relief, where the direction was given, even that was not considered by the respondents. Therefore, apprehending that if the petitioner makes any application to that effect to the respondents, his application also for the deviation of the route in the approved route would not be considered. Therefore, on that ground, the petitioner filed the present writ petition seeking a writ of forbearing the respondents from interfering with plying of the vehicle of the petitioner in the route including the deviation route.

3. I have heard the said rival submissions made by the learned counsel appearing for the petitioner, learned Government Advocate appearing for the official respondents and the learned Standing Counsel appearing for the Transport Corporation and have perused the materials placed before this Court.

4. It is an admitted case of the petitioner that atleast upto 1.5 kms, he wanted deviation. For the said deviation, proper course of action on the part of the petitioner is to make an application to the concerned authority under the Motor Vehicle Act and to get permission to that effect. Without making an attempt, he has filed simple writ of mandamus seeking for prohibitory order for the alleged interference on their part against the petitioner from plying the bus in the deviated route.

5. This kind of prayer cannot be entertained by this Court, because, admittedly in the deviated route, for which, unless the permission is granted for any plausible reason by the authority concerned, no such protection can be expected from this Court. Therefore, on that ground, this writ petition is liable to be dismissed.

6. However, the learned counsel appearing for the petitioner would submit that if the petitioner makes an application to the respondents to get permission for deviated route for 1.5 kms and if such application is given, the same may be directed to be considered within a timeframe.



7. In this regard, it is open to the petitioner to make such application to the respondents and if any such application is made, the respondents shall decide the same on merits and in accordance with law, within a reasonable time.

8. With these observations, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Authority,
Trichy District, Trichy.
2. The Regional Transport Officer,
Trichy District, Trichy.
3. The Assistant Commissioner of Police,
Traffic Wing (North), Trichy.

+1 CC to M/s.GP (SR-26372[F] dated 16/08/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26462[F] dated 16/08/2021

W.P. (MD)No.14503 of 2021

Dated:13.08.2021

RK (06.09.2021) 3P 6C