



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.17620, 22658, 22661 & 22665 of 2019

and

W.M.P. (MD)Nos.14082, 19402, 19405 & 19407 of 2019

WEB COPY

In W.P. (MD)No.17620 of 2019

A.Sathiyaraja

... Petitioner

-Vs-

- 1.The Regional Transport Authority,
Trichy,
Trichy District.
- 2.The Regional Transport Authority,
Karur,
Karur District.
- 3.The Regional Transport Officer,
Regional Transport Office,
Karur District.
- 4.The Break Inspector,
Regional Transport Unit Office,
Kulithalai, Karur District
- 5.The Regional Transport Officer,
Regional Transport Officer,
Srirangam, Trichy District.
- 6.The Break Inspector,
Regional Transport Unit Office,
Musiri,
Trichy District.
- 7.The Transport Commissioner,
Tamil Nadu State Transport Corporation Ltd.,
Ezhilagam,
Chepauk,
Chennai-60005.
- 8.The Deputy Transport Commissioner,
Office of the Deputy Transport Office,
RTO Office Campus,
Pirattiyur,
Trichy-9.



- 9.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division,
Thanjavur District.
- 10.The Divisional Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karur Division,
Karur District.
- 11.Muthu
Divisional Manager Cum Commercial,
Tamil Nadu State Transport Corporation Ltd.,
Karur Division,
Karur District.
- 12.The General Manager,
Tamil Nadu State Transport Corporation,
Karur Division,
Karur District.
- 13.Gunasekaran,
General Manager,
Tamil Nadu State Transport Corporation,
Karur Division, Karur District.
- 14.The Assistant Manager cum
Commercial Department,
Tamil Nadu State Transport Corporation,
Karur Division, Karur District.
- 15.R.Swaminathan,
S/o.RAthnam,
Assistant Manager cum
Tamil Nadu State Transport Corporation,
Karur Division,
Karur District.
- 16.The Branch Manager,
Tamil Nadu State Transport Corporation,
Kulithalai Branch,
Karur District.
- 17.Karthikeyan
Branch Manager
Tamil Nadu State Transport Corporation,
Kulithalai Branch, Karur District.
- 18.The Branch Manager,
Tamil Nadu State Transport Corporation,



Musiri Branch, Trichy District.

19. Jeyachandran,
Branch Manager,
Tamil Nadu State Transport Corporation,
Musiri Branch, Trichy District.

20. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kulithalai, Karur District.

21. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Musiri, Trichy District.

22. The Inspector of Police,
Kulithalai Police Station,
Kulithalai, Karur District.

23. The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

24. The Inspector of Police (Traffic Wing)
Kulithalai,
Karur District.

25. The Inspector of Police (Traffic Wing),
Musiri,
Trichy District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 9th to 19th respondents and their men or agent or their officials from interfering or creating any trouble that operation of the petitioner's mini stage carriages bearing Registration No. TN 47 Y 7009 and TN 47 X 1072 plying on the route musiri bus stand to kulithalai bus stand (via) kaikatti RDO Office, Amala School, Thuraiyur Road Roundana Park, Uzhavarsanthai, Musiri New Bus Stand, Depot, Cauverypalam, Sungagate (Roundana), Kadambarkovil Bus Stand, Court, Girls Higher Secondary School, Trichy- Karur Main Road to reach the main entrance of Kulithalai Bus Stand in Musiri Bus Bit.

For Petitioner	: Mr.A.C.Asaitambi
For R1 to R8 & R20 to R25	: Mr.M.Rajarajan Additional Government Pleader
R9 to R19	: Mr.D.Sivaraman



In W.P. (MD)No.22658 of 2019

Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region,
Karur-639 003.
Rep. by its General Manager

... Petitioner

-Vs-

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

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

3.The Regional Transport Officer,
Srirangam,
Trichy District.

4.P.Sathiyaraja

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 to initiate action against the respondent No.4 under Section 86 of Motor Vehicles Act 1988 read with Rule 205 of Tamil Nadu Motor Vehicles Rules for violation of the conditions of permit issued in R.No.31303/B1/2015, dated 12.07.2015.

For Petitioner : Mr.D.Sivaraman

For R1 to R3 : Mr.M.Rajarajan

Additional Government Pleader

For R4 : Mr.R.Maheswaran

In W.P. (MD)No.22665 of 2019

Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karur Region,
Karur-639 003.
Rep. by its General Manager

... Petitioner

-Vs-



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

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

3.The Regional Transport Officer,
Srirangam,
Trichy District.

4.R.Parthiban ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 to initiate action against the respondent No.4 under Section 86 of Motor Vehicles Act 1988 read with Rule 205 of Tamil Nadu Motor Vehicles Rules for violation of the conditions of permit issued in R.No.27370/B1/2015, dated 12.08.2015.

For Petitioner : Mr.D.Sivaraman

For R1 to R3 : Mr.M.Rajarajan
Additional Government Pleader

For R4 : No appearance

In W.P. (MD)No.22661 of 2019

Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,

Karur Region,

Karur-639 003.

Rep. by its General Manager

... Petitioner

-Vs-

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

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

3.The Regional Transport Officer,
Srirangam,
Trichy District.

4.P.Sathiyaraja ... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 to initiate action against the respondent No.4 under Section 86 of Motor Vehicles Act 1988 read with Rule 205 of Tamil Nadu Motor Vehicles Rules for violation of the conditions of permit issued in R.No.32212/B1/2015, dated 12.08.2015.

For Petitioner : Mr.D.Sivaraman

For R1 to R3 : Mr.M.Rajarajan
Additional Government Pleader

For R4 : Mr.R.Maheswaran

COMMON ORDER

Heard the learned counsel on either side.

2.Thiru.A.Sathiyaraja is a mini bus operator. He is enjoying two permits. One permit enables him to ply from Musiri Bus Stand to Kulithalai Bus Stand. The second permit enables him to ply from Musiri Bus Stand to Kulithalai Periyapalam.

3.The counsel representing Thiru.A.Sathiyaraja would state that a private individual has blocked a portion of the route near Uzhavarsanthai. As a result, Thiru.A.Sathiyaraja is constrained to operate on a deviated route. When the petitioner is operating on the deviated route, he is encountering resistance from the State Transport Corporation. Therefore, Thiru.A.Sathiyaraja has filed the writ petitions for forbearing the official respondents as well as the TNSTC from interfering with his plying on the deviated route.

4.On the other hand, the learned Standing Counsel for the Corporation would contend that the private operator cannot arrogate to himself the right to operate in a deviated route by citing certain impediments. It is for him to move the competent authority and obtain a variation order. He would further add that the mini bus operator can be permitted to overlap on the served sector only to an extent of four kilometers. But operating in the deviated route, the private operator is overlapping for more than 7.9 kilometers.

5.I find force in the contention of the counsel on either side. At the same time, the private operator cannot be allowed to overlap beyond the permitted limit. Even though others are plying on the deviated route, the operator has to obtain variation order from the competent authority. Therefore, these writ petitions are disposed of in the following terms:-

(a) Thiru.A.Sathiyaraja is permitted to submit his application for variation before the Regional Transport

<https://hcservices.ecourts.gov.in/hcservices/>



Authority, Trichy.

(b) After receipt of the same, the Regional Transport Authority, Trichy, will pass appropriate orders on merits and in accordance with law within a period of two weeks thereafter.

(c) The Regional Transport Authority, Trichy, is obliged to issue notice to TNSTC and other stake holders before passing final orders.

(d) Since Thiru.A.Sathiyaraja has clearly demonstrated that he is not able to ply on the permitted route, the Regional Transport Authority, Trichy, is directed to permit deviation, but at the same time, ensuring that there is no overlap beyond four kilometers on the served sectors.

(e) The first respondent will stick to the time line mentioned in this order. Since the first respondent is going to pass orders as regards the permit of Thjiru.A.Sathiyaraja, Thiru.A.Sathiyaraja must scrupulously adhere to the variation order to be passed by the first respondent. If Thiru.A.SAthiyaraja commits breach of the variation order, the official respondents are obliged to take action in accordance with law.

6.No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// 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,
Trichy District.

2.The Regional Transport Authority,
Karur,

<https://hcservices.ecourts.gov.in/hcservices/>
Karur District.



- 3.The Regional Transport Officer,
Regional Transport Office,
Karur District.
- 4.The Break Inspector,
Regional Transport Unit Office,
Kulithalai, Karur District.
- 5.The Regional Transport Officer,
Regional Transport Officer,
Srirangam, Trichy District.
- 6.The Break Inspector,
Regional Transport Unit Office,
Musiri,
Trichy District.
- 7.The Transport Commissioner,
Tamil Nadu State Transport Corporation Ltd.,
Ezhilagam,
Chepauk,
Chennai-60005.
- 8.The Deputy Transport Commissioner,
Office of the Deputy Transport Office,
RTO Office Campus,
Pirattiyur,
Trichy-9.
- 9.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Kulithalai, Karur District.
- 10.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Musiri, Trichy District.
- 11.The Inspector of Police,
Kulithalai Police Station,
Kulithalai, Karur District.
- 12.The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.



13.The Inspector of Police (Traffic Wing)
Kulithalai,
Karur District.

14.The Inspector of Police (Traffic Wing),
Musiri,
Trichy District.

+4 CC to M/s.D.SIVARAMAN, Advocate (SR-6374,6378,6377,6376)

+1cc to M/s.R.MAHESWARAN, Advocate(SR-6514)

+1 CC to M/s.SPL GP (SR-6455[F] dated 22/02/2021)

W.P. (MD)Nos.17620, 22658, 22661 & 22665 of 2019
and
W.M.P. (MD)Nos.14082, 19402, 19405 & 19407 of 2019
19/02/2021

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