



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.3492 of 2018

and

W.M.P. (MD)No.3622 of 2018

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Tiruchirappalli-620 001,
Rep. by its General Manager. ... Petitioner

Vs.

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

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

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

4.K.Balamurugan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court 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.41396/B1/2020 dated 24.12.2002.

For Petitioner : Mr.D.Sivaraman

For Respondents : Mr.M.Rajaraman,
Additional Govt. Pleader for R1 to R3.
Mr.A.C.Asaithambi for R4

ORDER

Heard the learned counsel on either side.

2.The fourth respondent herein was permitted to operate his
Musiri Taluk Office to Kulithalai Kadambarkovil.



3.This writ petition has been filed by the State Transport Corporation for taking action against the fourth respondent. The ground projected in the writ petition is that the fourth respondent has been operating beyond the permitted terminus upto Kulithalai Bus Stand.

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4.Now it has come to be known that the fourth respondent had obtained order from the State Transport Appellate Tribunal way back in the year 2007 and on that strength, he had been operating the mini bus. But today in W.P.(MD)No.18524 of 2019, the order of the Tribunal has been set aside. Likewise, the order obtained by the fourth respondent for make the necessary changes in his permit granted vide order dated 29.07.2019 in W.P.(MD)No.3017 of 2019 has also been stayed by the Hon'ble Division Bench. Therefore, unless the fourth respondent succeeds before the Tribunal, it may not be open to him to operate the bus beyond Kulithalai Kadambarkovil. That has to be his terminus. Since the fourth respondent had the benefit of the order of the Tribunal all along, the question of directing the official respondents to take action against him for the past conduct of the fourth respondent will not arise. If the fourth respondent operates his mini bus beyond Kulathali Kadambarkovil in violation of the permit in future, it is of course the duty of the official respondents to take action against the fourth respondent as per law.

5.With this clarification and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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, Tiruchirapalli.

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

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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-5533[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-5661[F] dated 17/02/2021)

W.P (MD) No.3492 of 2018
16.02.2021

smv (CO)

TR(25.03.2021) 3P 6C