



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.1171 OF 2022

AND

M.P.NO.1240 OF 2022

T.Chanderasekaran

... Petitioner

Vs.

1. The Regional Transport Authority (cum) District Collector
Tirupur.
2. The Regional Transport Officer
Tirupur North, Sirupooluvapatti
Tirupur.

... Respondents

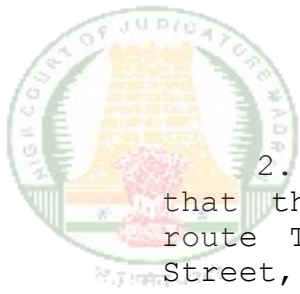
Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to permit the petitioner to ply his vehicle Mini Stage Carriage bearing No. TN-39-AJ-4359, on the alternative route ie., Karuvampalayam Parapalaym Periyandipalayam Pirivu, Chinnandipalayam Pirivu, Neelipudur Pirivu, Mangalam to reach the destination, forthwith petitioner representation dated 11.01.2021.

For Petitioner : Mr.T.Padmanabhan

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents herein to permit the petitioner to ply his vehicle Mini Stage Carriage bearing No. TN-39-AJ-4359, on the alternative route ie., Karuvampalayam Parapalaym Periyandipalayam Pirivu, Chinnandipalayam Pirivu, Neelipudur Pirivu, Mangalam to reach the destination, forthwith petitioner representation dated 11.01.2021.



2. The learned counsel for the petitioner made a submission that the petitioner is operating Mini Stage Carriage on the route Tirupur Old Bus Stand to Vettuvapalayam (Via) Jammanai Street, Chellam Nagar, Murugampalayam Pirivu, Nachammal Colony, Chinnigoundanpudur Pirivu, Chinnandipalayam, Iduvai Pirivu, Chinnandipalayam Pirivu, M.Chettipalayam, Ganapathypalayam, Sytan Thottam, Mangalam, Palladam Road Junction, covered by vehicle bearing Registration No. TN-39-AJ-4350. The permit is valid up to 25.03.2024. The petitioner states that he operates the vehicle without any violation or black mark. The public authorities are in the process of providing drainage channels and further erecting electric poles in the particular route and therefore, the petitioner is unable to ply the vehicle in a peaceful manner.

3. It is contended that the road is not in a good condition and therefore, the petitioner submitted a representation for grant of permission to use the alternate route to reach the destination. The learned counsel for the petitioner reiterated that when there is a drainage work in progress in a particular route, then the petitioner may be permitted to ply his vehicle in the alternate route as per his representation. Thus, the representation submitted by the petitioner is to be considered.

4. The learned Special Government Pleader appearing on behalf of the respondents based on the written instructions submitted by the Regional Transport Officer, Tirupur North in letter dated 29.01.2022 objected the contentions raised on behalf of the petitioner by stating that the permit granted to the petitioner was issued under the "Approved Modified Mini Bus Scheme 1999 ". No variation of course of route is prescribed in the said Scheme in G.O.Ms.No. 1532 Home (Tr.III) Department dated 17.11.1999 was published under the powers conferred by Sub Section (1) of Section 102 of the Motor Vehicles Act, 1988 for undivided Coimbatore District. Since granting variation is inconsistent with the Scheme, no variation can be allowed for the permit issued under the "Approved Modified Mini Bus Scheme 1999". Hence, the request of the petitioner is in violation of the principles of the Motor Vehicles Act, 1988 and the Scheme notified by the Government.

5. It is contended by the respondents that the intention of the petitioner is to restrain the services from operating the unserved portions starting from Murugampalayam Pirivu, Nachammal Colony, Chinnigoundanpudur Pirivu, Chinnandipalayam Pirivu, M.Chettipalayam, Ganapathipalayam, upto Sytan Thottam. The alternate route proposed by the petitioner via Karuvampalayam, Parapalayam Periyandipalayam Pirivu, Chinnandipalayam Pirivu, Neelipudur Pirivu, Mangalam, in fully served sector operating by



TNSTC and other private operators which is State Highways Road (SH 169). The above sectors were inspected by the Motor Vehicles Inspectors of the office of the Regional Transport Officer and according to the report, the roads are found motorable. The photos are enclosed by the field officer ie., Motor Vehicles Inspectors and the photos are submitted before this Court which would reveal that the roads are in motorable condition. The report of the Motor Vehicle Inspectors proves that the course of route of the permitted route is clear for traffic without any hurdles.

6. The petitioner though sent a representation citing the progress made regarding drainage channels, the petitioner failed to establish the facts as there is no imminent need for diversion to be granted in favour of the petitioner. Therefore, the petitioner shall not rest the statement with photographs taken in wet roads. The present report of the Motor Vehicles Inspector dated 28.01.2022 of the office of the respondents has established the fact of worthy condition of the roads in the course of route of the petitioner.

7. It is stated by the petitioner that he has operated his vehicle in the permitted route without violation or black mark. The check reports issued on the vehicle TN-39-AJ-4359 as stated above prove that the petitioner has operated his mini bus in unauthorised routes which are served area by other regular stage carriages. Though the road in the course of route, he was granted was motorable, the petitioner used to violate the statutory provisions by operating his mini bus in alternate route other than the course of route granted to him. Thus the petitioner is trying to get a new route in the fully served sector which is State Highways Road (SH 169) for his mini bus TN-39-AJ-4359 by submitting a false representation before this Hon'ble Court.

8. There is a growing trend amongst the litigants by sending representations. Attempts are made to create cause of action. No doubt, any aggrieved person may send a representation to the competent authorities for the purpose of redressal of their grievances. However, in many cases, they sent a representation and immediately filed a Writ Petition or even without sending a representation, enclose the copy of the representation and filed a Writ Petition. In such circumstances, the litigants are either attempting to create a new cause of action or to restore the lapsed cause of action. Therefore, the Courts are bound to look into the genuineness of the representation, the rights established or infringement of right or otherwise. Unless, any such cause require to be considered by the competent authorities, the Courts would not



be entertaining a writ petition and mechanically issue an order to consider the representation.

9. By getting an order to consider the representation, the litigants are again taking steps to force the authorities or taking undue advantage of such orders for the purpose of referring the lapsed causes. It is to be borne in mind that merely issuing a direction to consider the representation by the authorities by the High Court would do no service to the cause of justice. Contrarily, such directions would pave way for multiplicity of proceedings and once again the litigants has to approach the High Court for further remedy. In view of the ramped corruptions in many Government Departments, the litigants by getting an order to consider the representation or attempting work out for a remedy which they desire. Such possibility cannot be over ruled and therefore, the Courts are expected to cautious while granting direction to consider the representation. Unless the person approaching the Court, establishes his right, then alone such directions needs to be granted and it is always preferable to consider the issues on merits and grant appropriate relief which would reach finality and multiplicity of proceedings also can be avoided.

10. In the present case, in the event of permitting alternate route to the petitioner, the TNSTC and other private players, who all providing service already in the specific routes will get affected and their rights will be infringed. The prejudices and loss likely to be caused to the other parties should also be considered by the Courts while entertaining such Writ Petitions.

11. It is established that the permitted route for the petitioner is in motorable condition as per the report of the Motor Vehicles Inspector. Photographs have been submitted before this Court to establish the same. Thus, the petitioner has not established even a semblance of legal right for the purpose of considering the relief as such sought for in the Writ Petition.

12. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Vsg



To

1. The Regional Transport Authority (cum) District Collector
Tirupur.
2. The Regional Transport Officer
Tirupur North, Sirupooluvapatti
Tirupur.

+1cc to the Government Pleader, S.R.No.6437

W.P.No. 1171 of 2022
And
M.P.No. 1240 of 2022

GMR (CO)
RLP (14/02/2022)