

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.16287 of 2022
and
W.M.P.No.15618 of 2022

S.Swaminathan ... Petitioner

Vs

- 1.The Transport Commissioner,
Chepauk, Chennai - 5.
- 2.The Deputy Transport Commissioner,
Salem.
- 3.The Regional Transport Officer,
Salem West.
- 4.The Regional Transport Officer,
Athur, Salem District.
- 5.The Regional Transport Officer,
Salem South, Salem.
- 6.The Inspector of Police,
Athur Police Station,
Salem District.

7.Ajay Venkatesh ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take appropriate action against the seventh respondent pursuant to the representation dated 08.03.2021 made by the petitioner so as to ensure that there is no over lapping of route timing to enable the petitioner to operate the route timing of 5.25 pm from Athur to Salem in accordance with the Stage Carriage Permit timings without any obstruction or hindrance.

For Petitioner : Mr.V.Vijay Shankar

For Respondents :

For R1 to R6 : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the first to sixth respondents.

2. The petitioner has filed this writ petition, to direct the official respondents to take action against the seventh respondent pursuant to the petitioner's representation dated 08.03.2021, so as to ensure that there is no overlapping of route timing to enable the petitioner to operate the route timing of 5.25 pm from Athur to Salem in accordance with the Stage Carriage Permit timings without any obstruction or hindrance.

3. The case of the petitioner is that the petitioner is holding a valid permit and the route timing to ply his stage carrier from Salem to Ulipuram is specified therein. The petitioner suspected that the seventh respondent was also plying the stage carrier in the same time in the evenings between 5.25 pm to 6.43 pm from Athur to Salem.

4. Under these circumstances, the petitioner appears to have elicited information from the respondents under the Right to Information Act, 2005, wherein, the petitioner has come to know that there has been a manipulation in the route timings of the seventh respondent. It is submitted that the manipulation has been made in such a way that the seventh respondent would also starting stage carrier from Athur at 5.25 pm and reached Salem at 6.45 pm, by scoring 5.30 pm and by substituting with 5.25 pm.

5. It is submitted that this is not permissible under the provisions of the Motor Vehicles Act, 1988. Under these circumstances, the petitioner has prayed for the above relief.

6. The learned Special Government Pleader for the first to sixth respondents would submit that the representation of the petitioner dated 08.03.2021 will be considered and disposed on merits and in accordance with law.

7. Recording the above submission of the learned Special Government Pleader for the official respondents, this Writ Petition stands disposed of by directing the second respondent to dispose of the petitioner's representation dated 08.03.2021 in the light of the information elicited from the respondents under the RTI Act on 03.01.2022, after giving due notice to the seventh respondent.

8. The official respondents shall also take note of the so called route timings of the seventh respondent and take appropriate steps if desired. This exercise shall be carried out by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

9. This Writ Petition stands disposed of in terms of the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

arb

To

- 1.The Transport Commissioner,
Chepauk, Chennai - 5.
- 2.The Deputy Transport Commissioner,
Salem.
- 3.The Regional Transport Officer,
Salem West.
- 4.The Regional Transport Officer,
Athur, Salem District.
- 5.The Regional Transport Officer,
Salem South, Salem.

6.The Inspector of Police,
Athur Police Station,
Salem District.

+1cc to Mr.V.Vijay Shankar, Advocate SR.No.41123
+1cc to the Government Pleader, SR.No.41997

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and
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GPL (CO)
CB(20/07/2022)