



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WRIT PETITION NO.27073 OF 2021

AND

W.M.P.NO.28538 OF 2021

P.Senthil Kumar

...Petitioner

-Vs-

1. The Regional Transport Authority (Cum)
District Collector, Tirupur.

2. The Regional Transport Officer,
Tiruppur North, Sirupooluvapatti,
Tiruppur.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to permit the petitioner Mini Stage Carriage No.TN-24-X-1146 on the alternative route ie., ChinniadiPalayam, Sulthanpet, Mangalam to reach the destination forthwith, the petitioner representation dated 08.01.2021.

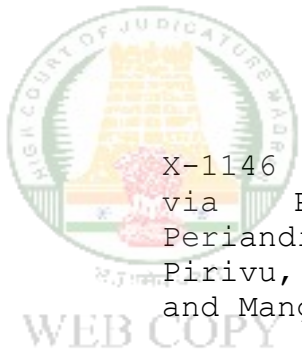
For Petitioner : Mr.M.Govindarajan

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

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent herein to permit the petitioner Mini Stage Carriage No.TN-24-X-1146 on the alternative route ie., ChinniadiPalayam, Sulthanpet, Mangalam to reach the destination forthwith, by considering the petitioner representation dated 08.01.2021.

2. The case of the petitioner is that, the petitioner was given a permit to run a Mini Stage Carriage with Regn.No.TN-24-



X-1146 in the route between Tiruppur Old Bus Stand and Mangalam via Parapalayam, S.R.Nagar Pirivu, Kumaran College, Periandipalayam, Chinniagoundanpudur Pirivu, Chinnadipalayam Pirivu, Chettipalayam Pirivu, Chettipalayam, Ganapathipalayam and Mangalam.

3. The grievance of the petitioner is that, due to some underground drainage work being undertaken in the said route, the petitioner claimed that, he could not ply the mini bus in the said route and therefore he requested for an alternate route through Chinniadiipalayam, Sulthanpet, Mangalam. In this regard, he has given a representation to the respondents on 08.01.2021 and the said representation since has not been considered, he has approached this Court by filing the present writ petition.

4. Heard Mr.T.Padmanabhan, learned counsel appearing for the petitioner, who, after having reiterated the aforesaid facts, would seek the indulgence of this Court to issue a direction to the respondents to consider the representation of the petitioner for grant of permission to the petitioner to ply the mini bus through the alternate route as a temporary measure for the time being in view of the difficulty expressed by the petitioner in his representation.

5. Heard Mrs.V.Yamuna Devi, learned Special Government Pleader, who claims that, the 2nd respondent has filed a counter affidavit running about 19 pages. This Court has given a cursory reading of the counter affidavit and found that, totally irrelevant and unwarranted issues have been dealt with by the second respondent in the counter affidavit.

6. Since the prayer sought for in the writ petition is very innocuous and simple, where the petitioner wants to consider his representation with regard to the alternate route in view of the difficulty expressed by him in his representation, such a counter affidavit regarding the Scheme etc., right from the year 1976 have been unnecessarily traced by the second respondent in the counter affidavit.

7. However, the learned Special Government Pleader, on oral instructions would submit that, the route as already permitted to the petitioner is now clear and the works undertaken there have been completed.

8. Be that as it may. The plea raised by the petitioner in his representation dated 08.01.2021 can very well be considered and decided and in this regard, if the route already permitted to the petitioner is still not ready to be a motorable road to



ply the vehicle of the petitioner, the alternate route can be considered. Otherwise, the plea of the petitioner can be rejected by stating the reason that the route already permitted to the petitioner is clear and in this regard proof with respect to the clearing of the permitted route can be furnished to the petitioner.

9. The needful as indicated above shall be undertaken by the respondents, after giving an opportunity of hearing to the petitioner, and final orders shall be passed on the representation submitted by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

KST

To

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

+1cc to the Government Pleader, S.R.No.1064

W.P.No. 27073 of 2021

GSM(CO)
RLP(28/01/2022)