



W.P. No. 30696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30696 of 2022

and

W.M.P. Nos. 30131 and 30132 of 2022

S.Swaminathan

... Petitioner

-VS-

1. The Transport Commissioner,
Chepauk,
Chennai – 600 005.
2. The Deputy Transport Commissioner,
Salem.
3. The Regional Transport Authority cum District Collector,
Salem.
4. The Regional Transport Officer,
Salem West.
5. The Regional Transport Officer,
Athur,
Salem District.
6. The Regional Transport Officer,
Salem South,
Salem.

7. Ajay Venkatesh

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records in



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relation to the Proc. R. No. 77/A2/2021 dated 31.10.2022 issued by the Second Respondent (Impugned Order) and quash the same as illegal and further direct the Respondents to forthwith allow the Petitioner to operate the vehicle TN 88 E 5559 in the route timing of 5.25 p.m. from Athur to Salem in accordance with the Stage Carriage Permit timings without any obstructions or hindrance and consequently direct the First to Sixth Respondents to forbear the Seventh Respondent from operating any of his vehicles in an overlapping manner or otherwise obstructing the bus timing of the Petitioner at 5.25 p.m. from Attur to Salem.

For Petitioner : Mr. S.Sathish Parasaran, Senior Counsel
for K.Gowthamkumar

For Respondents : Mr. T.Arun Kumar,
Additional Government Pleader
(for R1 to R6)

ORDER

Learned Senior Counsel appearing for the Petitioner submits that since the Petitioner has got an effective alternative remedy to challenge the Order in Proc. R. No. 77/A2/2021 dated 31.10.2022 passed by the Second Respondent, which is impugned in this Writ Petition, by filing an appeal under Section 89 of the Motor Vehicles Act, 1988, he has on 21.11.2022 filed the appeal in R. No. 1331 of 2022 against the impugned order before the State Transport



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Tribunal, and seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to raise all contentions in that appeal.

Learned Counsel for the Petitioner has also made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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vjt

Index: Yes/No

Note: (i) Issue order copy on 22.11.2022

(ii) Registry is directed to return the original copy of the impugned order under written acknowledgment after retaining a copy of the same for record.

To

1. The Transport Commissioner,
Chepauk,
Chennai – 600 005.
2. The Deputy Transport Commissioner,
Salem.



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3. The Regional Transport Authority cum District Collector,
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Salem South,
Salem.



WEB COPY



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P.D. AUDIKESAVALU, J.

vjt

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