



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.6467 of 2022

and

W.M.P. (MD) No.5024 of 2022

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R.Veerammal ... Petitioner
/vs./

1.The Regional Transport Authority cum
District Collector,
Pudukkottai District,
Pudukkottai.

2.The Regional Transport Officer,
O/o. the Regional Transport Office,
Pudukkottai.

3.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Division,
Thanjavur,
Thanjavur District.

4.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukkottai Branch,
Pudukkottai District.

5.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Incharge Pudukkottai Branch,
Trichy District.

6.The Branch Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Ponnamaravathy Branch,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the Respondents No.3 to 6 operating their Stage carriage bearing Registration No. TN 55 N 0825 or any other vehicle on the route Trichy to Ponnamaravathy without permit and time schedule.



For Petitioner : Mr.A.C.Asaitambi
For R1 & R2 : Mr.M.Prakash
Additional Government Pleader
For R3 to R6 : Mr.P.Balasubramanian

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ORDER

The petitioner has filed this writ petition for a Mandamus to forbear the respondents 3 to 6 for operating stage carriage bearing Reg.No. TN 55 N 0825 or any other vehicle on the route, Trichy to Ponnamaravathy without permit and time schedule.

2.The petitioner, who is the protected operator under the Tamil Nadu Motor Vehicles Act, 41/92, is having a permit bearing Reg.No.TN 45 BJ 7499 plying on the route Ponnamaravathy to Trichy viz., Koppanapatti, Palakurichi, Valanadu, Kovilpatti and Viralimalai and that the petitioner was operating 6 singles on the above said route.

3.The 2nd respondent/the Regional Transport Officer has filed a counter, wherein it has been stated as under:-

"In these circumstances, I respectfully submit that necessary instructions have been issued to the TNSTC (Kum) Ltd., Pudukkottai Region to strictly follow the Motor Vehicles Act and Rules and adhere to the conditions of the permit and to operate the vehicles as per the permit conditions without any hindrance to other operators. Further, the Motor Vehicle Inspectors have also been suitably instructed to take immediate and stringent action against those vehicles which violate the permit conditions and against the vehicles, if any, which are operated without permit."

4.On the other hand, the learned counsel for the respondents 3 to 6 submits that there is no merits in the contention of the petitioner as the buses operated by the respondents, namely the State Transport undertakings do not impinge on the permits of the petitioner. There are disputed questions of fact, which cannot be adjudicated in this writ petition. However, there is a clear undertaking given by the 2nd respondent that suitable instructions have been issued to the respondents 4 to 6 herein to strictly follow the Motor Vehicles Act and Rules, adhere to the conditions of the permit and to operate the vehicles as per the permit conditions without any hindrance to any other operators.

5.It is also noticed that this Court in W.P.(MD) No.7979 of 2001 (***K.M.Muthusamy, Prop. Vs. State Transport Authority, Chennai and others***) vide order dated 03.09.2001, had observed as under:-

"4.....In that view of the matter, is it be made clear that the 4th respondent Corporation is entitled to operate the additional services to clear the crowds on



the occasion of fairs and religious gatherings by due intimation to the authorities concerned. However, such entitlement will not enure the benefit of State Transport Undertakings to ply the vehicles without permit and timings fixed on all other occasions. If any such violations are noticed or brought to the notice of the respondents 1 to 3 the respondents shall take appropriate action against the 4th respondent as per law. The writ petition is disposed of accordingly. No costs. Consequently, connected W.M.Ps., are closed."

6.Considering the above, I am inclined to dispose of this writ petition by directing the respondents 4 to 6 to strictly comply with the requirements of the Motor Vehicles Act and the Rules made thereunder. They shall not operate the buses, which would impinge on the petitioner's rights under the permit granted to the petitioner by the 2nd respondent.

7.The writ petition stands disposed of in terms of the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

25/04/2022

Sub Assistant Registrar (CS-III)

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To

1.The Regional Transport Authority cum
District Collector,
Pudukkottai District, Pudukkottai.

2.The Regional Transport Officer,
O/o. the Regional Transport Office,
Pudukkottai.

+1 CC to M/s.A.C. ASATHAMBI, Advocate (SR-20001[F]
dated 21/04/2022)

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-20197[F]
dated 21/04/2022)

+1 CC to M/s.SPL.GP. (SR-20477[F] dated 22/04/2022)

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