



W.P.(MD).No.14711 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.10.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.P.(MD).No.14711 of 2020  
and  
W.M.P.(MD).No.5105 of 2021**

J.Meera

... Petitioner

**Vs.**

1.The Regional Transport Authority/District Collector,  
Theni,  
Theni District.

2.The Regional Transport Officer,  
Regional Transport Office,  
Theni,  
Theni District.

3.K.K.D.Pandian

...Respondents

*(R-3 is impleaded vide Court order dated 12.03.2021 in W.M.P.(MD).No.12796 of 2020 in W.P.(MD).No.14711 of 2020)*

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to accord permission to replace the new Stage Carriage Bus bearing no.TN 60 K 3594 in the place of the existing old Stage Carriage bus bearing no. TN 60 H 8230 to ply on the permitted route between Periyakulam and Kumili in terms of Section 83 of the Motor Vehicles Act 1988 by considering the petitioner's representation dated 29.09.2020 within the period that may be stipulated by this Court.



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For Petitioner : Mr.A.C.Asaithambi  
For R-1 and R-2 : Mr.T.Amjad Khan,  
Government Advocate.  
For R-3 : Mr.Arjun Varmen  
for Mr.T.Lajapathy Roy

### **ORDER**

The Writ Petition is filed for a writ of Mandamus directing the 2<sup>nd</sup> Respondent to accord permission to replace the new Stage Carriage Bus bearing No.TN 60 K 3594 in the place of the existing old Stage Carriage bus bearing No.TN 60 H 8230 to ply on the permitted route between Periyakulam and Kumili in terms of Section 83 of the Motor Vehicles Act 1988 by considering the petitioner's representation dated 29.09.2020. The 3<sup>rd</sup> Respondent has filed a Writ Petition in W.P.(MD).No.16703 of 2022 directing the 1<sup>st</sup> respondent to consider his representation dated 28.08.2021 for cancelling the transferred bus permit in the name of the petitioner/3<sup>rd</sup> Respondent therein, which is also heard and in respect of which separate order has been passed today.

2. The petitioner is running transport business in the name and style of “P.V.A. Transport”. The 3<sup>rd</sup> Respondent is a bus contractor and running bus services in the name and style of “Fathuma Bus Service”. It is submitted that



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originally the permit was granted in favour of the 3<sup>rd</sup> Respondent and the bus bearing Registration No.TN 60 H 8230 was sold and permit was transferred in favour of the petitioner on 19.08.2020. Thereafter, fresh permit was issued to the petitioner by the 2<sup>nd</sup> Respondent vide proceedings dated 19.08.2020. While so, the petitioner submitted a representation to the 2<sup>nd</sup> Respondent dated 29.09.2020 seeking permission to replace the existing stage carriage bus bearing No.TN 60 H 8230 with a new stage carriage bus bearing No.TN 60 K 3594.

3. To the contrary, it is submitted by the learned counsel for the 3<sup>rd</sup> Respondent, who has filed W.P.(MD).No.16703 of 2022, that the 3<sup>rd</sup> Respondent is the owner of the bus bearing No.TN 60 H 8230, which is having a regular permit for plying between Periyakulam and Kumili and had a spare permit in respect of vehicle bearing No.TN 57 T 3006. It is submitted that the petitioner had obtained transfer of permit in respect of bus bearing No.TN 60 H 8230 allegedly on the basis of fabricated documents. The 3<sup>rd</sup> Respondent approached the petitioner for financial assistance and the loan was said to be provided subject to the condition that the 3<sup>rd</sup> Respondent herein would give the permit of the bus service as security. The 3<sup>rd</sup> Respondent has also signed joint application. It is submitted that the said permit was never intended to be transferred, but was only meant to be security for the loan amount. However,



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the petitioner had manipulated and fabricated the documents and had obtained the permit transferred in her favour. Apart from complaints having been lodged in Theni Police Station against the petitioner, it is also submitted that a representation has been made to the 1<sup>st</sup> Respondent for cancelling the transferred bus permit in the name of the petitioner.

4. This Court is not inclined to examine the merits of the matter inasmuch as the prayer is limited to consider the representation. In view of the competing claims with regard to the permit of the bus bearing No.TN 60 H 8230, this Court finds it appropriate to direct the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to consider the representation of the petitioner dated 29.09.2020 as well as the prayer by the 3<sup>rd</sup> Respondent / writ petitioner in W.P.(MD).No.16703 of 2022 for cancelling the bus permit in the name of the petitioner, which is made vide representation dated 28.08.2021. It is open to the petitioner and the 3<sup>rd</sup> Respondent to produce documents in support of their claim. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents shall pass orders on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order after putting both the parties on notice and after hearing both the parties. It is made clear that this Court has not expressed any views on the rights of any of the parties.



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5. This Writ Petition is disposed of. There shall be no order as to costs.

Consequently, connected miscellaneous petition stands closed.

**13.10.2022**

Index : Yes / No  
Internet : Yes/ No  
Lm

To

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Theni District.

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**MOHAMMED SHAFFIQ, J.**

Lm

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