



W.P.(MD).No.16703 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.16703 of 2022

K.K.D.Pandian

... Petitioner

Vs.

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

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

3.J.Meera

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider representation dated 28.08.2021 made by the petitioner for cancelling the transferred bus permit in the name of the 3rd respondent.

For Petitioner	: Mr.S.Sivaraman
For R-1 and R-2	: Mr.T.Amjad Khan, Government Advocate.
For R-3	: Mr.A.C.Asai Thambi



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ORDER

The Writ Petition is filed for a writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 28.08.2021 for cancelling the transferred bus permit in the name of the 3rd respondent. The 3rd Respondent has filed a Writ Petition in W.P.(MD).No.14711 of 2020 directing the 2nd 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 her representation dated 29.09.2020. This Court has heard both the matters together and in view of the detailed order passed in W.P.(MD).No. 14711 of 2020, it may not be necessary to deal with the submissions all over again.

2. 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 1st and 2nd Respondents to consider the representation of the 3rd Respondent / petitioner in W.P.(MD).No.14711 of 2020 dated 29.09.2020 as well as the prayer by the writ petitioner in W.P.(MD).No. 16703 of 2022 for cancelling the bus permit in the name of the 3rd Respondent,



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which is made vide representation dated 28.08.2021. It is open to the petitioner and the 3rd Respondent to produce documents in support of their claim. The 1st and 2nd 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.

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

13.10.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Regional Transport Authority/District Collector,
Theni,
Theni District.
- 2.The Regional Transport Officer,
Regional Transport Office,
Theni,
Theni District.



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MOHAMMED SHAFFIQ, J.

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