



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.04.2022**

CORAM:

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

W.P. (MD) Nos.24535 of 2019 and 8127 of 2021

and

W.M.P. (MD) Nos.21156 of 2019 and 6193 and 6194 of 2021

WEB COPY

In W.P. (MD) No.24535 of 2019:-

S.Baskar

... Petitioner

/vs./

1.The Regional Transport Authority,
Office of the District Collectorate,
Trichy District,
Trichy.

2.The Regional Transport Officer,
Trichy West,
Pirattiyur, Trichy District.

3.The Block Development Officer,
Panchayat Union, Manapparai.

4.Sooriyamoorthy

(R3 has been *suo motu* impleaded
and the address of the same has been
amended vide order dated 01.04.2021)

(R4 has been impleaded

vide order dated 31.03.2021)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to permit the petitioner's Mini Bus bearing Reg.No.TN 45 AL 7419 while plying on the diverted route from Manapprai Railway Gate (Manapprai Bus Stand) Manikattiyur (Via) Karumpulipatti to reach Mettooralipatti instead of Manikattiyur to Mettooralipatti.

For Petitioner : Mr.A.C.Asaithambi

For R1 to R3 : Mr.K.S.Selva Ganesan

Additional Government Pleader

For R4

: Mr.J.Anandkumar

In W.P. (MD) No.8127 of 2021:-

Sooriyamoorthy

... Petitioner

/vs./



1.The Regional Transport Authority,
Office of the District Collectorate,
Trichy District,
Trichy.

2.The Regional Transport Officer,
Trichy West,
Pirattiyur, Trichy District.

3.S.Baskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent dated 20.07.2020 and quash the same and consequently direct the 3rd respondent to ply the vehicle in the route according to the permit.

For Petitioner	: Mr.J.Anandkumar
For R1 & R2	: Mr.K.S.Selva Ganesan Additional Government Pleader
For R3	: Mr.A.C.Asaithambi

COMMON ORDER

W.P.(MD) No.24535 of 2019 has been filed by the petitioner, S.Baskar for a Mandamus to direct the respondent herein to permit the petitioner's Mini Bus bearing Reg.No.TN 45 AL 7419 while plying on the diverted route from Manapprai Railway Gate (Manapprai Bus Stand) Manikattiyur (Via) Karumpulipati to reach Mettooralipatti instead of Manikattiyur to Mettooralipatti.

2.W.P.(MD) No.8127 of 2021 has been filed by the petitioner, Sooriyamoorthy, for a Certiorarified Mandamus to call for the records pertaining to the impugned order of the 2nd respondent dated 20.07.2020 and quash the same and to direct the 3rd respondent to ply the vehicle in the route according to the permit.

3.Pending disposal of the above writ petitions, the petitioner also prayed for an interim injunction in W.M.P.(MD) No.21156 of 2019 in W.P.(MD) No.24535 of 2019 restraining the respondents from interfering or creating any trouble or problem in the operation of the petitioner's (Baskar) Mini Bus while plying on the diverted route from the aforesaid route. An interim order also came to be passed on 16.03.2020. The operative portion of the aforesaid order reads as under:-

"The petitioner is permitted to ply the buses, in which he is now going, till the roads get repaired."

4.Pursuant to the aforesaid order, the 1st respondent in the respective writ petitions has passed an order dated 20.07.2020 in <https://hcservices.ecourts.gov.in/hcservices/>



respect of the aforesaid petitioners' permit, which is valid up to 17.05.2025. The relevant portion from the aforesaid order reads as under:-

"The Mini Bus bearing Regn.No.TN45AL7419 owned by Thiru.S.Baskar, Kuthiraikuthipatti, Alipatti is permitted to ply on the alternate route Manapparai Railway Gate (Manapparai Bus Stand) to Manikattiyur to Mettooralipatti as ordered by the Hon'ble High Court Madras Madurai Bench in W.P.(MD) No.24535/2019 dated 16.03.2020. This temporary deviation is valid till the roads on the original route is repaired or till the the disposal of W.P.(MD) No.24535/2019 or the expiry of validity of this permit whichever is earlier.

Date of expiry of permit : 17.05.2025."

5. Aggrieved by the aforesaid order, the 4th respondent in W.P. (MD) No.24535 of 2019, the fourth respondent Sooriyamoorthy, filed W.P.(MD) No.8127 of 2021. In the said writ petition, the 4th respondent, Sooriyamoorthy, has challenged the aforesaid order of the 1st respondent dated 20.07.2020. It is submitted that the petitioner in W.P.(MD) No.24535 of 2019 purchased permit only in 2019 and has wrongly stated that the route was under repair and got an interim order from this Court. It is further submitted that the temporary permit is valid only for the period of 4 months as per Section 87 of the Motor Vehicles Act, 1988.

6. It is further submitted that the deviation under Section 66 (3) (m) of the aforesaid Act is not applicable in the facts of the present case as there is no damage to the road and that the petitioner in W.P.(MD) No.24535 of 2019 has wrongly stated the facts.

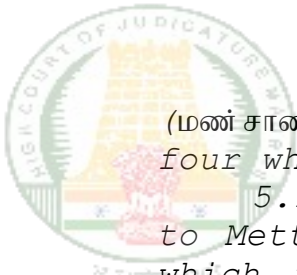
7. The learned counsel for the official respondents submits that the impugned order itself is a self limiting order and is in compliance with Section 66 of the said Act. The said order has been passed in the light of the interim order dated 16.03.2020 in W.P. (MD) No.24535 of 2019.

8. The 3rd respondent/the Block Development Officer has today filed a status report, content of which reads as under:-

"2. It is humbly submitted that 3rd respondent herein was suo-moto impleaded by this Hon'ble Court and as per the order of this Hon'ble Court. I inspect the road Manikattiyur to Mettu Aalipatti.

3. It is submitted that the road route from Manikattiyur to Mettu Aalipatti at present, is only used by to wheelers and the condition of the road is unmotorable for four wheelers and other heavy vehicles other than the two wheelers.

4. It is submitted that in the road route from Manikattiyur to Mettu Aalipatti, a stretch of about 500 Meters is Dirt Road



(மணிசாலை) and therefore the transportation is unmotorable for four wheelers, buses and other heavy vehicles.

5.It is submitted that in the road route from Manikattiyur to Mettu Aalipatti, there is a disputed private land through which road could not be laid or repaired, till the dispute gets settled."

9.Considering the above, I am inclined to dispose of these writ petitions by directing the respondents 1 and 2 either to give alternate permit to the petitioner in W.P.(MD) No.24535 of 2019 in some other location, so that the petitioner in W.P.(MD) No.8127 of 2021 is not subjected to loss on account of the fact that the permit given to the petitioner in W.P.(MD) No.24535 of 2019 is not fully motorable between Manikattiyur and Mettu Aalipatti. This exercise shall be carried out by the respondents 1 and 2 within a period of 60 days from the date of receipt of a copy of this order.

10.These writ petitions stand disposed of, in terms of the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

1.The Regional Transport Authority,
Office of the District Collectorate, Trichy District,
Trichy.

2.The Regional Transport Officer,
Trichy West,
Pirattiyur, Trichy District.

3.The Block Development Officer,
Panchayat Union, Manapparai.

+2 CC to M/s.J. ANANDKUMAR, Advocate (SR-18233 & 18234[F] dated
12/04/2022)

W.P. (MD) Nos.24535 of 2019 and 8127 of 2021
12.04.2022

nsn(CO)

TR(25.04.2022) 4P 6C