



W.A.No.2328, 2329, etc., of 2011 (batch)

**IN THE HIGH COURT OF JUDICATURE AT
MADRAS**

Dated : 14.08.2023

CORAM

**The Hon'ble Mr.Justice D.Krishnakumar
and**

The Hon'ble Mr.Justice P.B.Balaji

**W.A.Nos.2328 to 2331 of 2011,
M.P.No.1 of 2011 (4 in Nos.)**

and

M.P.No.2 of 2011 (2 in nos.)

+

W.A.Nos.38 to 42 of 2012

and

M.P.No.1 of 2012 (5 in Nos.)

W.A.No.2328 of 2011

S.M.Eswaramoorthy

Vs.

...Appellant

- 1. Sri Sivachalapathy Transports,
No.10, R.V.Sathyamurthy Nagar,
Kangeyam Road, Tiruppur- 641 604.**
- 2. The Regional Transport Authority,
Coimbatore (Tiruppur Region)
Tiruppur.**
- 3. The State Transport Appellate Tribunal
City Civil Court Buildings, Chennai – 600 104.**



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4. The Tamil Nadu State Transport Corp. Ltd.,
Coimbatore.

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Common Prayer :

Writ Appeals filed under clause 15 of the Letters Patent against the order dated 19.10.2011, passed by the learned Single Judge, in W.P.No.22081, 22082, 22079, 22080, 22460, 22461, 22462, 22463 and 22464 of 2009.

For Appellants in W.A.Nos.2328,2329 of 2011

W.A.Nos.38 to 42 of 2012

:Mr.C.K.Chandrasekar

For Appellants in W.A.Nos.2330 & 2331 of 2012 : Mr.K.Hariharan

i) Regional Transport Authority

R-2 in W.A.Nos.2328 to 2331, of 2011 &

38 to 42 of 2012

: Mr.K.Tippusultan,
Government

Advocate

ii) The State Transport Appellate Tribunal

R-3 in W.A.Nos.2328, 2329 of 2011,

R-1 in W.P.No.2330 &2331 of 2011,

R-1 in W.A.No.38 to 42 of 2012

: Tribunal



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iii) The Tamil Nadu State Transport Corp. Ltd.,

R-4 in W.A.Nos.2328, 2329 of 2011,

38 to 41 of 2012

: Mr.A.Sundaravadanam

Common Judgement

(Order of the Court was made by **D.Krishnakumar,J.,**)

When these Writ Appeals are taken up for hearing, Mr.K.Tippusultan, learned Government Advocate appearing for the respondent/Regional Transport Authority (in short, RTA) produced a Status report filed by the RTA, Tiruppur (South) and submitted that, these Writ Appeals arise out of a common order passed in a batch of Writ Petitions, viz., W.P.No.22081, 22082, 22079, 22080, 22460, 22461, 22462, 22463 and 22464 of 2009 dated 19.10.2011, whereby, the Writ Petitions were dismissed and the order passed by the State Transport Appellate Tribunal (for short, 'STAT') dated 17.07.2009 was upheld by the learned Single Judge and a direction was issued to RTA, Tiruppur Region to comply with the direction issued by the STAT.

1.1 The learned counsel further submitted that, after bifurcation



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of Tiruppur Region into Tiruppur District, in the year 2008, plying permit for the minibuses were granted to an extent of 4 kms in served areas and 16 kms in unserved areas, and the Writ Appeals arising out of nine Writ Petitions are pertaining to five routes, which are mentioned below :-

- i) Tiruppur Old Bus Stand to Palladam Road
- ii) Tiruppur Old Bus Stand to Kunnangalpalayam Pirivu
- iii) Tiruppur Old Bus Stand to Palladam Road
- iv) Tiruppur Old Bus Stand to Poonga Nagar
- v) Tiruppur Old Bus Stand to Managalam

2.2 Now, the above said five routes, which is covered within the radius of 2.5 kms approximately comes under the control of Municipality and for such five routes, no plying permit could be granted, inasmuch as, they fall under the category of served areas (i.e. to say, already alternative transport facility is available to those routes) as per the order passed by the Government, vide G.O.(Ms.)No.1532 dated 17.11.1999, and presently, the afore said five routes are abolished. Therefore, the learned Government Advocate submitted that, no new or



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existing permission could be granted for the aforesaid five routes, as per the policy decision of the Government.

3. In the light of stand taken by the respondent/Regional Transport Authority, Tiruppur (South) in the said status report filed today, coupled with the fact that the appellants have not challenged the aforesaid Government Order, which was passed wayback in the year, 1999, we are of the view that the Writ Appeals are liable to be dismissed. Accordingly, the Writ Appeals are dismissed. Consequently, connected Miscellaneous Petitions are closed. However, there will be no orders to costs.

**D.K.K.J., & P.B.B.J.,
14.08.2023**

sd
Index : Yes/No
Speaking Order/Non speaking order

**D.Krishnakumar,J.,
&**



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P.B.Balaji,J.,

sd

**W.A.Nos.2328 to 2331 of 2011
and
W.A.Nos.38 to 42 of 2012 (9 cases)**

14.08.2023