



C.R.P.No.963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

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THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.963 of 2022

and

CMP No.4961 of 2022

K.C.Sundaramurthy

... Petitioner

Vs.

1.S.Varun Seniappan
Sri Lakshmi Transports,
E-402, Air Force Naval Housing Enclave,
Textool Feder Road, Ganapathy,
Coimbatore-641 006.

2.The Secretary,
Regional Transport Authority,
Mettupalayam.

3.The Managing Director,
Tvl. Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road, Coimbatore.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of the State Transport Appellate Tribunal, Chennai, made in M.V.App.No.49 of 2021, dated 09.02.2022, in setting aside the order of the 2nd respondent made in R.No.24617/A3/2021, dated



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01.11.2021 in making necessary endorsement regarding consequential timing in the permit of the petitioner in respect of his vehicle plying on the route Coimbatore- Sathyamangalam.

For Petitioner	: Mr.M.Pallani
For Respondent	:
(for R1)	: Mrs.Radhagopalan for Mr.K.Hariharan
(for R2)	:Mr.A.EdwinPrabakar, Spl.G.P.(CS) Assisted by Mr.P.Harish, G.A. (CS)
(for R3)	: Mr.A.Sundaravaradhanan

ORDER

The Civil Revision petition has been filed against the judgement of the State Transport Appellate Tribunal Chennai, passed in M.V. Appeal No.49 of 2021, dated 09.02.2022, in setting the order of the second respondent made in R.No.24617/A3/2021, dated 01.11.2021.

2.The petitioner states that he is a stage carriage operator in Coimbatore District and operating a stage carriage service on the route Coimbatore-Sathyamangalam (via) Puliampatty, since 1986. The petitioner states that they are operating as per the timings fixed by the competent



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authority pursuant to the proceedings of the year 1995, which was endorsed in the permit, granted by the competent authority under the provisions of the Motor Vehicles Act.

3.The learned counsel for the petitioner made a submission that the proceedings of the year 1995 is in operation since it was issued under Section 103 of the Act by way of a scheme. Unless the scheme is modified, the existing scheme will continue to operate, and accordingly, the petitioner is following the said timings fixed in proceedings issued in the year 1995. While so, the first respondent/Sri Lakshmi Transports had violated the timings issued in the year 1995, and therefore, the petitioner was constrained to approach this Court by way of a writ petition in W.P. No.27080 of 2019.

4.This Court passed an order on 21.09.2021 in the said writ petition, issuing a direction granting liberty to the petitioner to make a fresh representation to the Regional Transport Officer, Mettupalayam, Coimbatore District, and directed the Regional Transport Officer to deal with the



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representation on merits and pass appropriate orders. Pursuant to the direction issued by this Court, the Regional Transport Authority Mettupalayam passed an order in proceeding dated 01.10.2021, which was taken by way of an appeal before the State Transport Appellate Tribunal by the first respondent/Sri Lakshmi Transport. The State Transport Appellate Tribunal adjudicated the issues and allowed the appeal mainly on the ground that the transport authority had failed to comply with the rules of Natural Justice in accordance with the provisions of the Act and Rules. The State Transport Appellate Tribunal formed an opinion that necessary parties were not provided with an opportunity to adjudicate the issues before the transport authority, which caused some prejudice to the other carriage operators and accordingly, set aside the order passed by the Regional Transport Authority Mettupalayam and allowed the appeal. Challenging the said order passed by the State Transport Appellate, the petitioner filed the present civil Revision petition.

5.Hearing of the parties to the Civil Revision Petition, revealed that the issues are no more *res Integra*. It is not in dispute between the



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parties that permit was issued under Section 103 of M.V. Act for the implementation of a scheme. Accordingly, the Secretary, Regional Transport Authority, Coimbatore, issued proceedings on 05.12.1995. The said proceedings are issued fixing consequential timings for 8 operators, including the revision petitioner herein and the first respondent/Sri Lakshmi Transport .

6.The learned counsel appearing on behalf of the first respondent mainly contended that the said proceedings issued in the year 1995 were not implemented. Non-implementation of the said order created certain confusion and the first respondent is following the timings fixed for them in the year 1984 which was endorsed in the permit issued to the first respondent, operator.

7.The learned Special Government Pleader, appearing on behalf of the Transport Department, contended that the consequential timing was fixed by invoking Rule 248 of the Tamil Nadu Motor Vehicle Rules and consequently, the Secretary, Regional Transport Authority, Coimbatore



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(north), issued proceedings fixing consequential timing to 8 operators on 5.12.1995. As per the said proceedings, the consequential timings fixed both for the petitioner and the first respondent in the proceedings of the year 1995 is as under :

“5. C.C. with Sri Lakshmi Transports, Coimbatore – TN37 E 4456 – Coimbatore – Sathy (Sathyamangalam)

	<i>Coimbatore</i>	<i>Sathy</i>
	<i>D</i>	<i>A</i>
<i>Ex</i>	<i>3.30 p.m.</i>	<i>5.20 p.m.</i>
<i>RE</i>	<i>3.25 p.m.</i>	<i>5.15 p.m.</i>

6. C.C. with SMS – TN36 A 2244 – Sathy -Coimbatore.

	<i>Coimbatore</i>	<i>Sathy</i>	<i>Coimbatore</i>	<i>Sathy</i>
	<i>D</i>	<i>A</i>	<i>D</i>	<i>A</i>
<i>Ex</i>	<i>10.50 a.m.</i>	<i>12.40 p.m.</i>	<i>3.39 p.m.</i>	<i>5.29 p.m.</i>
<i>RE</i>	<i>10.52 a.m.</i>	<i>12.42 p.m.</i>	<i>3.33 p.m.</i>	<i>5.23</i>
	<i>p.m.”</i>			

8.The learned counsel for the revision petitioner states that the said timing is in forced and being followed scrupulously by the revision petitioners. The dispute arose on account of the violation of the timings by the first respondent. The said contention was disputed by the first respondent on the ground that there is no dispute regarding the



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consequential timing fixed however, the first respondent is adopting the timings fixed in the proceedings of the year 1984 and the said timings must be allowed to be continued.

9.The learned Special Government Pleader appearing on behalf of the department reiterated that the proceedings issued in the year 1995 became final and in force as of now and all the stage carriage operators are bound to follow the said consequential timings fixed in the proceeding dated 05.12.1995. The discrepancy and the dispute arose due to the fact that the consequential timings fixed in the proceeding dated 05.12.1995 has not been endorsed in the permit of the respective stage carriage operators by the competent authorities during the relevant point of time. With reference to the facts and circumstances, there is no serious dispute regarding the consequential timings fixed in the proceedings of the year 1995.

10.In view of the fact that the Government reiterated that the 1995 proceedings became final and is in force, the contention raised by the first respondent that it was not implemented deserves no merit consideration.



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Thus, it is made clear that the consequential timings fixed pursuant to the proceedings issued under Rule 248 of the Tamil Nadu Motor Vehicle Rule is to be scrupulously followed by all stage carriage operators and the regional transport authority has to make an endorsement regarding the timings fixed in the proceedings fixed of the year 1995 in respect of all the stage carriage operators as per the proceedings of the year 1995.

11.If any grievance exists with reference to the consequential timings fixed, the parties are at liberty to approach the competent authority for the change of timings or otherwise by following the procedures contemplated. In all respects, the regional transport officer is directed to ensure that the consequential timings fixed as per the proceeding dated 05.12.1995, is followed scrupulously and necessary endorsements are made in the permits of the respective stage carriage operators. In the event of any violation of the statutory timings fixed as per the proceedings of the year 1995, the regional transport officer has to initiate all necessary action under the provisions of the act and rules and by following the procedures as contemplated.



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12.In view of the facts and circumstances, the order passed by the State Transport Appellate Tribunal deserves no further interference and with these clarifications, the Civil Revision Petition stands **disposed of**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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09.01.2023

Index:Yes

Internet:Yes

Speaking Order

To

1. State Transport Appellate Tribunal, Chennai.



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S.M.SUBRAMANIAM.J.,

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