



WEB COPY



W.P.No.16531of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16531 of 2023

C.Elaiyakumar

...Petitioner

Vs.

The Secretary
Regional Transport Authority
Gopichettipalayam

...Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to forthwith permit the petitioner to pay necessary fees for grant of spare bus permit and receive the petitioner's application on file and consider and pass orders on merits on the petitioner's application for grant of spare mini bus permit.

For Petitioner : Mr.Bhargavi Gopalan

For Respondent : Mrs.S.Mythreye Chandru
Special Government Pleader



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ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to accept the application submitted by the petitioner seeking for spare bus permit and deal with the same on merits and grant spare mini bus permit after receiving the necessary payment from the petitioner.

2. The petitioner is a Stage Carriage Operator having a mini bus and operating in the route “Gobichettipalayam Bus stand to Kaveripalayam”. The petitioner wanted to apply for spare bus permit before the respondent and was also willing to pay the necessary fees towards the same. The grievance of the petitioner is that the respondent was even refusing to accept the application and as a result, the petitioner was not able to pay the necessary fees to enable the respondent to consider the application seeking for spare bus permit. Aggrieved by the same, the present writ petition has been filed before this Court.



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3. Heard Mr.Bhargavi Gopalan, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondent.

4. The learned counsel for the petitioner brought to the notice of this Court Section 72 (XVII) of the Motor Vehicles Act, 1988 and Rule 176 (VII) of the Tamil Nadu Motor Vehicles Rules and submitted that the mini bus operator is entitled to apply for spare bus permit and that the respondent cannot go to the extent of even denying to receive the application and consider the same. To substantiate this submission, the learned counsel brought to the notice of this Court various earlier orders passed by this Court wherein such a right has been recognized.

5. Per contra, the learned Special Government Pleader submitted that there is absolutely no proof to show that the petitioner has made any application seeking for spare bus permit. It was further submitted that if the petitioner makes the



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application by paying the necessary fees, the same will be considered on its own merits and in accordance with law.

6. In the considered view of this Court, there is no dispute with regard to the fact that a mini bus operator has a legitimate right to apply for the grant of spare bus permit and such a right has been recognized by this Court even on earlier occasions. However, this Court is not inclined to go into the entitlement of the petitioner for grant of spare bus permit and it is an issue that has to be gone into only by the respondent. For that purpose, the respondent has to receive the application and also the fees paid by the petitioner and thereafter, the application has to be dealt with on its own merits and in accordance with law.



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7. In the light of the above discussion, there shall be a direction to the petitioner to resubmit the application to the respondent which shall be received by the respondent and the necessary fees shall also be paid by the petitioner. Thereafter, the respondent shall deal with the application on its own merits and in accordance with law and a decision shall be taken with regard to grant of spare bus permit within a period of three months from the date of receipt of application from the petitioner.

8. This writ petition is disposed of with the above directions. No costs.

05.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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N.ANAND VENKATESH.,J
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To
The Secretary
Regional Transport Authority
Gopichettipalayam

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