



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)Nos.1059 and 1060 of 2013

W.A.(MD)No.1059 of 2013:-

M.Rahamatunisha

...Appellant

-Vs.-

The Regional Transport Authority,
Thanjavur District, Thanjavur.

...Respondent

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to set aside the order dated 08.02.2023 made in W.P.(MD)No.2269 of 2013 on the file of this Court.

W.A.(MD)No.1060 of 2013:-

A.K.Mydeen

...Appellant

-Vs.-

The Regional Transport Authority,
Thanjavur District, Thanjavur.

...Respondent



PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to set aside the order dated 08.02.2023 made in W.P.(MD)No.2270 of 2013 on the file of this Court.

For Appellant : Mr.A.C.Asaithambi
For Respondents : Mr.T.Amjad Khan
Government Advocate (in both cases)

COMMON JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH , J.)**

Read this order in continuation of and in conjunction with order dated 11.07.2023 that makes reference to earlier order dated 03.07.2023, both of which, read as follows:

“Read this order in continuation and in conjunction with order dated 03.07.2023, which reads as follows:

“Print the name of Mr.Amjadkhan, learned Government Advocate and delete the description of the sole respondent.

2. No counter has been filed, since the writ petition was dismissed even at the time of admission. Hence, it becomes necessary for the respondent to circulate written instructions indicating their stand in the matter. This should be specific to the 1999 scheme, a copy of which will be circulated, and whether the scheme covers or provides for grant of permits for mini buses. It will consequently address the question as to whether the petitioner's application dated 29.12.2011 can be considered under that scheme.

3. List on 11.07.2023.”



WEB COPY



2. When the matter is called, we find absolutely no compliance on the part of the respondent/Road Traffic Authority, Thanjavur with the above directions. Despite a specific direction that a copy of 1999 scheme be furnished, there is no compliance by the respondent. We do not appreciate this.

3. It has thus fallen on the appellants to file a copy of the scheme, as part of compilation dated 11.07.2023.

4. The respondent was also directed to circulate written instructions on the point whether the scheme covers or provides for grant of permits. No written or oral instructions are circulated before us.

5. A perusal of G.O.Ms.No.1541, Home (Transport-III) dated 17.11.1999, reveals that permits were to be issued for operation of upto 250 mini buses in the rural areas of Thanjavur District for upto a route length not exceeding 20 Kms. It had never been the case of the respondent thus far that the number of buses exceeds 250 or the route length sought for by the appellants exceeds the stipulated distance.

6. The order of the Division Bench in *M.Ananda Kumar vs the Regional Transport Authority, Krishnagiri and another* [W.A.No.222 of 2017], dated 22.12.2022, has made the position unambiguous that with the quashing of G.O.Ms.No.136, dated 23.11.2011, which itself only makes amendments to the 1999 scheme, the 1999 scheme stands automatically revived in the form in which it was originally issued and that scheme would govern the grant of permits. This is clear from a reading of para No.25 of that order.

7. On instructions, the learned Government Advocate would confirm that the applications of the appellants are as yet pending. We do not find any justification for this.

8. Hence, the appellants are permitted to appear before the respondent on Friday, ie., on 14.07.2023 at 10.30 am with a copy of their applications and supporting materials and after hearing them/their authorised representatives, an order will be passed by the respondent either accepting or rejecting the same in accordance with



WEB COPY



the scheme and the applicable Regulations within a period of two weeks, ie., on or before 21.07.2023.

9.List on 25.07.2023 under the caption 'for production of orders'."

2.Today, the learned Counsel for the appellant would submit that there has been some difficulty in contacting the parties and hence, the hearing that was fixed on 14.07.2023 did not transpire.

3.We feel that the direction issued under order dated 11.07.2023 would suffice to address the interest of both parties. It is now for the parties to take forward the matter and conclude the same in accordance with law.

4.In light of the aforesaid, we close these Writ Appeals in terms of order dated 11.07.2023 leaving the parties to pursue to the matter in accordance with law. No costs.

[A.S.M.J.] & [R.V.J.]
25.07.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
cmr



To
WEB COPY

The Regional Transport Authority,
Thanjavur District, Thanjavur.



WEB COPY



DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

cmr

W.A.(MD)Nos.1059 and 1060 of 2013

25.07.2023