



W.P.(MD) No.1050 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.1050 of 2023

Sri Velavan Roadways
represented by its Managing Partner R.Baskaran,
S/o. Ramaraj,
No.8, Second Street,
Marri Avenue,
Trichy 1.

... Petitioner

/vs./

1.P.Krishnaraju

2.The Secretary,
Regional Transport Authority,
Trichirappalli (West).

3.The State Transport Appellate Tribunal,
High Court Campus,
Chennai – 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to implement the order of the Appellate Tribunal made in Appeal No.195 of 2005 dated 22.10.2008.



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For Petitioner : Mr.M.Palani for
Mr.M.Muthugeethayan
For R2 & R3 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The writ petition is seeking for a Mandamus to direct the second respondent to implement the order of the Appellate Tribunal made in Appeal No. 195 of 2005 dated 22.10.2008.

2.Heard Mr.M.Palani, learned counsel for M.Muthugeethayan, learned counsel for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader for the respondents 2 and 3.

3.Mr.M.Palani, learned counsel for the petitioner would submit that the petitioner is having a carriage permit to ply on the route Sendarapatti to Trichy. A timing conference was held in the year 2005 and certain timings were fixed. Aggrieved against the fixation of such timings, the first respondent herein had filed an appeal before the third respondent and the third respondent had remanded the matter back to the second respondent for *de novo* consideration, in the light of the observations made in the order passed by the third respondent. The Tribunal



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had also directed *status quo* to be maintained till the convening of the timing conference.

4.He would further submit that even though the Tribunal has passed the order as early as on 22.10.2008, no action has been taken to implement the order by conducting a fresh timing conference by the second respondent. He had also made a representation on 28.06.2021. In spite of more than a decade crossed, no timing conference has been conducted by the second respondent herein and the order of *status quo* passed is still being implemented. Hence, he has approached this Court for a direction to the second respondent to implement the order passed by the third respondent.

5.I have considered the arguments advanced by the learned counsels on either side. Notice to the first respondent is dispensed with, considering the limited relief sought for in this writ petition.

6.The order sought to be implemented is an order passed by the third respondent. The relevant paragraph is extracted hereunder:-



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“In the result, the appeal is allowed and the order of the Secretary, Regional Transport Authority, Tiruchirappalli made in R.No. 105229/A2/2004, dated 10.03.2005 is set aside. The matter is remitted back to the Secretary, Regional Transport Authority, with a direction to convene a fresh timing conference and considered the request of the appellant in fixing the timings in accordance with law and in the light of the observations made above within three months. Till then status quo to be maintained.”

7.The said direction issued by the appellate authority as early as in the year 2008, till date for the reasons best known, has not been implemented. Hence, there shall be a direction to the second respondent to convene a timing conference as directed by the third respondent herein after following the procedures contemplated under Rule 248 of the Tamil Nadu Motor Vehicle Rules, 1989. The second respondent is also directed to put on notice to the first respondent for such timing conference. The said exercise shall be carried on by the second respondent within a period of 12 weeks from the date of receipt of a copy of this order.



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8. With the aforesaid directions, the Writ Petition is disposed of. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

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K.KUMARESH BABU, J.

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