



WP(MD)Nos.6971 & 6999/2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

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THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)Nos.6971 & 6999/2023

and

WMP(MD)Nos.6587, 6589 & 6616/2023

M. Jakkammal

... Petitioner in both petitions

Vs.

- 1) The Regional Transport Authority,
O/o. Regional Transport Authority,
Madurai.
- 2) The Regional Transport Officer,
Madurai South,
Madurai.
- 3) The Motor Vehicle Inspector Grade – I,
RTO Enforcement,
Madurai North, Regional Officer, Vadipatti,
Madurai District.

...Respondents 1 to 3 in both petitions

- | | |
|--------------------|---|
| 4) D.S. Velmurugan | ...4th Respondent in WP(MD)No.6971/2023 |
| 4) Anitha | ...4th Respondent in WP(MD)No.6999/2023 |



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Prayer in WP(MD)No.6971/2023: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the Impugned Order passed by the 1st respondent vide his proceedings in Na.Ka.No.8570/2016/AaMu2, dated 15.07.2016 and quash the same as illegal and consequently direct the 1st respondent to consider the petitioner's representation dated 29.11.2021 and pass an order permitting her Stage Carriage bearing Registration No. TN59 BW 9867 on the diverted route (via) Nagari and Samayanallur to reach Madurai instead of Sholavandhan till the ply over bridge construction is completed, within the time stipulated by this Court.

Prayer in WP(MD)No.6999/2023: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the Impugned Order passed by the 2nd respondent vide his proceedings in R.No.0904/A3/2023, dated 15.03.2023 and quash the same as illegal and consequently direct the first respondent to take disciplinary proceedings against the fourth respondent for her willful and wanton misrepresentation before the High Court, considering the petitioner's complaint dated 24.02.2023 within the time stipulated by this Court.



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In both petitions,

For Petitioner : Mr.A.C. Asaithambi
For Respondents : Mr.J. John Rajadurai
Government Advocate for R1 to R3

COMMON ORDER

The issue that is placed for consideration before this Court is the issue pertaining to the operation of Stage Carriage bearing Registration No.TN 59 BW 9867 by the petitioner on the route Periyakulam to Madurai.

2. Since, the issues in both the writ petitions are with regard to the same Stage Carriage operated by the petitioner, the writ petitions are clubbed together and a common order is passed.



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3. The petitioner was operating a Stage Carriage bearing Registration No.TN 59 BW 9867 on the route Periyakulam to Madurai, via, Batlagundu, Nilakkottai, Pallapatti, Vadipatti, Andipatti, Traveler's Bungalow and Sholavandhan with independent shuttle trip between Periyakulam and Madurai, via, Batlagundu, Nilakkottai, Karattupatti, Anaipatti, Vilampatti, Mettaparai and Sholavandhan. It appears that near the Traveler's Bungalow, where the Sholavandhan Railway Crossing is situate, the National Highways is constructing a over bridge. Therefore, the route has been blocked for the purpose of putting up a construction wall for the over bridge. Therefore, the petitioner has been advised to take the diverted route to reach Madurai, which is about 4 kms longer. The petitioner is questioning this diversion since the respondents 2 and 3 are keeping a watch on the same. Therefore the petitioner has come forward with WP(MD)No.6971/2023 questioning the order passed by the first respondent on 15.07.2016. WP(MD)No.6999/2023 is filed in respect of the very same route and Stage Carriage, where, the petitioner is questioning the memorandum dated 15.02.2023, wherein, the first respondent has flagged certain irregularities committed by the petitioner.



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The first respondent has called for certain documents and has also called upon the petitioner to show cause as to why the permit should not be suspended or cancelled under Section 86 (1) of the Motor Vehicles Act, 1988. One of the irregularities pointed out was that the petitioner is taking a straight route from Batlagundu to Madurai without taking the detour to Sholavandhan despite the order impugned in WP(MD)No. 6971/2023.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that over bridge is nearing completion. Further the petitioner is seeking to challenge the order which has been passed as early as in the year 2016. That apart, the representation dated 29.11.2021 has already been rejected on 05.01.2022, as against which, the petitioner had filed WP(MD)No.863/2020 and this Court had pleased to direct the first respondent to dispose of the said writ petition as he was the competent Authority. The first respondent has thereafter, passed an order dated 02.02.2022. Once again, the petitioner has challenged this order in WP(MD)No.2959/2022, wherein, this Court had directed the



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petitioner to file an appeal before the State Transport Appellate Tribunal.

The writ petition was therefore withdrawn and an appeal was filed before the Tribunal in Appeal No.4/2022. By order dated 03.10.2022, the Tribunal has dismissed the same, which was challenged by the petitioner in CRP(MD)No.2635/2022 and the same has also been dismissed by order dated 14.03.2023. In spite of all these orders, the petitioner has once again sought for the very same order of quashing the order dated 15.07.2016 and considering his representation dated 29.11.2021, which has already been considered by the Authorities and affirmed by this Court in the Civil Revision Petition.

5. Heard the learned counsels on either side.

6. In the light of the detailed discussion above and the details submitted by the learned Government Advocate about the earlier proceedings initiated by the petitioner, which have ended against him and also taking into account the order passed by the District Collector as early as in the year 2016 and the order of the Tribunal in Appeal No.



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4/2022, this Court finds no merits in the writ petitions and accordingly the writ petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

30.03.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

- 1) The Regional Transport Authority,
O/o. Regional Transport Authority,
Madurai.
- 2) The Regional Transport Officer,
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- 3) The Motor Vehicle Inspector Grade – I,
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Madurai North, Regional Officer, Vadipatti,
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P.T.ASHA, J.

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