



W.A.(MD) Nos.11 and 154 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.11.2023**

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) Nos.11 and 154 of 2019
and C.M.P. (MD) Nos.68 of 2019 & 11081 of 2022 and 1187 of 2019 &
7822 of 2023

S.Siva Shenbagakumar ... Appellant/Writ Petitioner in
W.A.(MD) No.11 of 2019

S.Geetha Devi ... Appellant/Writ Petitioner in
W.A.(MD) No.154 of 2019

-Vs.-

1.The Regionl Transport Authority,
Nagercoil,
Kanyakumari District.

2.The State Transport Appellate Tribunal,
City Civil Court Buildings,
High Court Campus,
Chennai – 104.

3.The Management through the General Manager,
Tamil Nadu State Transport Corporation (Tiurnelveli) Limited,
Nagercoil Region,
Ranithottam,
Kanyakumari District.

... Respondents 1 to 3/
Respondents 1 to 3



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4.M. Narayanaperumal

... 4th Respondent/4th Respondent
in W.A.(MD) No.11 of 2019

(4th Respondent is impleaded vide Court
Order dated 01.03.2023 made in CMP
(MD) No.977 of 2020 in W.A.(MD) No.
11 of 2019 by GJJ & KKRKJ)

COMMON PRAYER:- Writ Appeals filed under Clause 15 of Letters
Patent Act, to set aside the order dated 16.07.2018 made in W.P.
(MD)Nos.22698 & 22697 of 2015 on the file of this Court.

For Appellant in both
the Writ Appeals

: Mr.C.K.Chandrasekar

For Respondents in both
the Writ Appeals

: Mr.T.Amjadkhan
Government Advocate
for R1 & R2

Mr.K.Sathya Singh
Standing Counsel for R3

Mr.P.Santhoshkumar for R4 in
W.A.(MD) No.11 of 2019

COMMON JUDGMENT

(Judgment of the Court was delivered by **V.LAKSHMINARAYANANM, J.**)

These Writ Appeals arise against the orders dated 16.07.2018
passed in W.P.(MD)Nos.22698 & 22697 of 2015.



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2. The petitioners are mini-bus operators between Chettikulam Junction and Mela Krishnan Puthoor. The petitioners made requests to the Regional Transport Authority, Nagercoil, at Kanyakumari District to permit them to operate their mini-buses bearing registration Nos.TN-74-F-0355, TN-28H-9255, TN-74-E-7791 and TN-74E-7782 upto Anna Bus Stand. The said request was rejected by the Regional Transport Authority. Challenging the same, they preferred appeals before the State Transport Appellate Tribunal, Chennai in M.V.APPL. Nos.61 and 59 of 2015. The said applications were dismissed, against which, they filed the aforesaid Writ Petitions. These Writ Petitions too were dismissed. Challenging the same, the present Writ Appeals are filed.

3. Heard Mr.C.K.Chandrasekhar, learned counsel for the appellants, Mr.T.Amjadkhan, learned Government Advocate, appearing on behalf of the respondents 1 & 2, Mr.K.Sathya Singh, learned counsel for the third respondent in both the Writ Appeals and Mr.P.Santhoshkumar, learned counsel for the fourth respondent in W.A. (MD) No.11 of 2019.



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4. It is the case of Mr.C.K.Chandrasekhar, learned counsel for the appellants that since there is one way in the route in which the mini-buses had been operating, as directed by the police authorities, they necessarily had to go into the Anna Bus Stand for the purpose of usage. An Advocate Commissioner was also appointed in this case, who also submitted a report to that effect.

5. However, taking into consideration the matter has been pending for about 8 years, we called for a report from the Superintendent of Police, Kanyakumari District at Nagercoil. He has filed the following report:-

“7.On the basis of the report of the Inspector of Police, Traffic Police Station, Nagercoil, dated 24.10.2023, I respectfully submit that, the Mini Bus bearing Nos.TN 28 N 9255 and TN 74 F 0355 **are plying Chettikulam Junction to Mela Krishnan Puthoor, which covers the distance of 10.1 kms in which served route is 4.00 kms and unserved route is 6.1 kms. It covers two ways. There is no one way in the route between Chettikulam Junction to Mela Krishnan Puthoor,** specifically the route between Chettikulam junction and beach road junction, where their Mini Buses bearing Nos.TN 28 N 9255 and TN 74 F 0355 are plying.”



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6. A perusal of the report shows that the route in which the Mini-Buses are operating, namely, Chettikulam to Melakrishnapudur there is no one way. The one way operates only between Chettikulam and Anna Bus Stand, where there is no permission for the Writ Petitioners to operate.

7. Consequently, the order of the learned Single Judge, does not require any interference. The Writ Appeals are dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

[S.M.S.J.] & [V.L.N.J.]
21.11.2023

NCC :Yes/No

Index :Yes/No

SJ

To

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