



WP (MD) No.17512 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.17512 of 2021 and
WMP(MD)No.14356 of 2021**

Sir Ramu Travels
represented by its partners
1.V.Ramanathan
2.V.Sundar
3.V.Senthil Kumar

... Petitioner

Vs

1.The Regional Transport Authority,
Madurai (North), Madurai.

2.The Regional Transport Officer,
Madurai (North), Madurai.

3.S.Meenakshi

4.K.R.Amitha

5.The Deputy Director,
Employees State Insurance Corporation,
Sub Regional Office,
4th Main Road, K.K.Nagar,
Madurai – 625 020.
6.The Recovery Officer,
Employee State Insurance Corporation,
Sub Regional Office,
4th Main Road, K.K.Nagar,
Madurai

... Respondents



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[R5 and R6 are impleaded vide court order dated 16.08.2023 in WMP(MD) No.16269 of 2023 and R4 cause title amended vide order dated 21.10.2021]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st respondent herein to forthwith grant the application for transfer of stage carriage permit in respect of the vehicle bearing Registration No.TN 59 AM 7705 plying on the route Madurai to Kallal along with a spare bus permit in respect of vehicle bearing Registration No.TN 59 AC 6192 and also renew the stag of carriage permit for the further period from 01.09.2021 to 31.08.2026.

For petitioner : Mr.RM.Arunswaminathan

No.2

For Petitioner : Mr.Yesudasan

No.3

For petitioner : Mr.V.Ramanathan

No.1 Party-in-person

For Respondent : Mr.M.Ramesh,

Nos.1 & 2 Government Advocate

For Respondent : Mr.B.Janarath Kumar

No.4

For Respondent : Mr.AC.Asai Thambi

No.3

For Respondent : Mr.I.Pinayagash

Nos.5 and 6

ORDER

This writ petition is filed for a writ of mandamus directing the 1st respondent to transfer the stage carriage permit along with the spare bus in favour of the petitioners.



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2.It is reported that the arbitration proceedings are pending. This Court in the earlier occasion suggested the parties to solve the issue by amicable settlement. However, the learned Counsel on either side submit that the parties are unwilling for amicable settlement.

3.The learned Counsel for the petitioner 2 submits that the petitioners 1 & 3 and respondent 4 have not paid the charges for arbitration proceedings and therefore, arbitration could not be concluded.

4.The arbitrator has been appointed on the request of the parties concerned in this writ petition. The petitioners and respondents 3 and 4 also claim share in the properties of their father. Only based on the request of the parties in order to arrive at an amicable settlement, arbitrator has been appointed. However the petitioners 1 and 3 and respondent 4 have not paid the necessary charges and therefore arbitration proceedings are stalled.

5.The learned Counsel for the petitioner 2 and respondent 3 submit that they are prepared to pay the entire charges for the arbitration proceedings and it shall be deducted from the share of the other parties equally and the amount due to the ESI Corporation shall be borne by all equally.



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6. In view of the above, this writ petition is disposed of with the following

directions:

(i) The arbitration proceedings shall be conducted and concluded within a period of four months from the date of receipt of a copy of this order. The petitioner No.2 and respondent No.3 shall meet out the expenses to the arbitrator and the proportionate amount liable to be borne by other parties for the arbitration shall be awarded by the arbitrator in favour of the petitioner No. 2 and respondent No.3, who are paying the charges to the arbitrator. The amount due to the ESI Corporation shall also be borne equally by the legal heirs and this shall also be decided in the arbitration proceedings.

(ii) Till the disposal of the arbitration proceedings, the petitioner No.2 shall operate the stage carriage, maintain a separate account and deposit the income arrived in the account. The bank passbook for this account shall be filed before the arbitrator. The details of the income and the expenditure shall be filed before the arbitrator every month enabling the arbitrator to pass orders on that income also. No costs. Consequently connected miscellaneous petition is closed.

11.10.2023

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- 1.The Regional Transport Authority,
Madurai (North), Madurai.
- 2.The Regional Transport Officer,
Madurai (North), Madurai.
- 3.The Deputy Director,
Employees State Insurance Co-Operation,
Sub Regional Office,
4th Main Road, Madurai – 625 020.
- 4.The Recovery Officer,
Employee State Insurance Corporation,
Sub Regional Office,
4th Main Road, K.K.Nagar



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This Writ Petition is listed today under the caption for 'being mentioned' at the instance of the learned counsel for the petitioners.

2.The learned Counsel for the petitioners has mentioned that this Court, by order dated 11.10.2023, while disposing of this Writ petition in WP(MD) No.17512 of 2021 has not issued any direction with regard to the amount, which has been deposited to the credit of the writ petition.

3.In view of the submission made by the learned Counsel, the following paragraph is ordered to be incorporated as paragraph No.6(ii) of the order passed in WP(MD) No.17512 of 2021, dated 11.10.2023 and the existing paragraph 6(ii) shall be modified as 6(iii).

“6 (ii) The Arbitrator shall decide the issue with regard to the amount deposited to the credit of the writ petition in the arbitration proceedings.”



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4.Registry is directed to carryout the aforesaid correction in the order passed in WP(MD) No.17512 of 2021, dated 11.10.2023 and issue corrected copy of the order forthwith.

23.11.2023

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Order made in
WP(MD) No.17512 of 2021

23.11.2023