



W.P. (MD) No. 19280 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 19280 of 2020

and

W.M.P. (MD) No. 16091 of 2020

S.Kaja Najumudeen

... Petitioner

Vs.

1.The Regional Transport Authority,
Madurai.

2.Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai-10.

3.Madurai District Mini Bus Owners Association,
Room No.101, Kousika Mansion,
S.S.Colony, Madurai-10.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the first respondent vide R.No.51970/A2/2000, dated 12.11.2020 in rejecting the application of the petitioner for the grant of minibus permit on the route “Kumaran Street” (Corporation Lorry Workshop)



W.P. (MD) No. 19280 of 2020

to Thavasipudur touching Kulamangalam” and to quash the same and further to direct the first respondent to grant the minibuss permit on the said route to the petitioner.

For Petitioner : Mr. A.C.Asaithambi
For R1 & R2 : Mr. K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr. T.Padmanabhan

ORDER

Heard Mr. A.C.Asaithambi, Learned Counsel appearing for the Petitioners, Mr. K.S.Selvaganesan, Learned Additional Government Pleader for the First and Second Respondents and Mr. T.Padmanabhan, Learned Counsel for the Third Respondent and perused the materials placed on record apart from the pleadings of the parties.

2. This Court during the earlier hearing on 31.01.2023 had directed the Registry to return the certified copy of the impugned order under written acknowledgment to the Learned Counsel for the Petitioner, after retaining its



W.P. (MD) No. 19280 of 2020

copy for the record in view of the representation made that it was intended by the Petitioner to prefer appeal against the impugned order under Section 89 of the Motor Vehicles Act, 1988 before the State Transport Appellate Tribunal.

3. It has been informed by the State Transport Appellate Tribunal that such appeal preferred by the Petitioner against the impugned order has been taken on file as M.V. Appeal No. 13/2023 in its Letter in R. No. Appeal No. 09/2023/A5 dated 28.02.2023 sent to the Registry of this Court.

4. In such circumstances, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to prosecute the said appeal with a clarification that for the purpose reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition viz., 08.12.2020 till the date on which the certified copy of the impugned order was returned, shall be excluded and he has made endorsement to that effect in the court record.



W.P. (MD) No. 19280 of 2020

5. The State Transport Appellate Tribunal, after due notice to all parties concerned, shall conduct enquiry in the said appeal affording full opportunity of personal hearing to them following the prescribed procedure and pass reasoned order dealing with each of the contentions raised on merits in accordance with law and communicate the decision taken under written acknowledgment. It shall be ensured that there is atleast one effective hearing every fortnight showing progress of the case and quarterly reports of compliance are sent till the disposal of the said appeal to the Registrar (Judicial) of the Court.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed.

No costs

01.03.2023

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NCC : Yes/No

Index : Yes/No

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Note: Issue order copy by 11.05.2023

4/6



W.P. (MD) No. 19280 of 2020

To

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Madurai-10.
- 3.Madurai District Mini Bus Owners Association,
Room No.101, Kousika Mansion,
S.S.Colony, Madurai-10.

Copy to

1. The Chairman /District Judge
State Transport Appellate Tribunal
Chennai – 600104.
2. The Registrar (Judicial)
Madurai Bench of Madras High Court
Madurai.



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W.P. (MD) No. 19280 of 2020

P.D.AUDIKESAVALU,J.

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W.P. (MD) No. 19280 of 2020

01.03.2023
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