



WP(MD)No.28303 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.28303 of 2022

Sri Ramas Travels,
170-A, Big Bazaar Street,
Tiruchirapalli - 8 Rep. by
its Partner R.Venkatesan

... Petitioner

Vs.

1.The Regional Transport Authority,
Tiruchirapalli Region, Collectorate,
Tiruchirapalli.

2.The Public Information Officer,
Registrar (Administration),
Madras High Court, Chennai

3.The Registrar (Judicial),
Madras High Court, Chennai

4.The State Transport Tribunal,
Chennai.

(R2 and R3 are suo motu impleaded vide Court order dated 24.01.2023
in WP(MD)No.28303 of 2022)

(R4 is suo motu impleaded vide Court order dated 15.02.2023)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to consider the application dated 22.08.1988 and further dates, for the renewal of permit of the petitioner bus TN 45 AM 1467 plying of the route Tiruchirapalli Junction to Thoovakudi in Thiruchirapalli town service and renew the permit in accordance with law.

For Petitioner	:	Mr.T.Padmanabhan
For Respondents	:	Mr.T.Amjadkhan, Government Advocate for R1 and R2
		Mr.G.Thalaimutharasu for R3 and R4

ORDER

The above writ petition has been filed for a mandamus directing the first respondent to consider the petitioner's application dated 22.08.1988 and for renewal of the permit of the bus bearing Registration No.TN 45 AM 1467 plying on the route Tiruchirapalli Junction - Thoovakudui and pass orders renewing the permit in accordance with law.



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2. The facts are briefly set out below.

2.1. It is the case of the petitioner that they are the holder of Stage Carriage permit for the above referred bus and they have been operating in the above route from the year 1986. The permit was obtained by them by way of transfer from another party and after obtaining necessary sanction from the first respondent as contemplated under Section 59 (1) of the Motor Vehicles Act, 1939.

2.2. According to the petitioner, the permit was due to expire on 01.01.1989. Since Stage Carriage permit was renewed once for five years, the petitioner had filed an application on 22.08.1988 for its renewal. The said application was considered and temporary renewal was issued under Section 62 (1) of the Motor Vehicles Act, 1939, till the disposal of the renewal application. While granting the temporary permission, it was made clear that the same would be valid till the period given in the permit or disposal of C.R.P.No.1099 of 1978, whichever is earlier. The petitioner would submit that they have been plying in the route with the temporary permission. Since the renewal was with the



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rider that the validity of the permit would be contemporaneous with the pendency of C.R.P.No.1099 of 1978, the petitioner has sought for information about the pendency of the said revision petition under Right to Information Act. The petitioner received a reply dated 24.09.2021 in R.O.C.No.59093/2021 that the said C.R.P.No.1099 of 1978 has been disposed of more than 43 years ago. Therefore, there is no embargo to the first respondent to consider the application. Hence the writ petition.

3. Heard the learned counsels on either side.

4. The issue involved rests on a very narrow campus, wherein, the petitioner only seeks to have their application for renewal of permit submitted on 22.08.1988 disposed at the earliest. The petitioner was being granted a temporary permit all along till the filing of the writ petition on the ground that C.R.P.No.1099 of 1978 is pending on the file of this Court. It now comes to light that this revision petition has been disposed of nearly 43 years ago. Therefore, the only impediment to the renewal of the permit is no longer in existence.



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5. In view of the above, this writ petition is disposed of with a direction to the first respondent to consider the application dated 22.08.1988 submitted by the petitioner and pass orders within a period of six weeks from the date of receipt of a copy of this order. It is made clear that no renewal either temporary or otherwise will be granted till the disposal of the application. No costs.

03.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi

To

- 1.The Regional Transport Authority,
Tiruchirapalli Region, Collectorate,
Tiruchirapalli.
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Madras High Court, Chennai
- 3.The Registrar (Judicial),
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P.T.ASHA, J.

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