



C.R.P.(MD).No.2635 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 23.02.2023

DELIVERED ON: 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.2635 of 2022

and

CMP(MD).No.12856 of 2022

M.Jakkammal

...Petitioner

Vs

1.The Regional Transport Authority
Office of the Regional Transport Authority
Madurai

2.The Regional Transport Officer
Madurai South, Madurai

3.The Regional Transport Officer
Madurai North
Madurai

4.The Motor Vehicle Inspector Grade-I
Regional Office
Vadipatti, Madurai District

5.D.S.Velmurugan
Proprietor of Sri Senthil Murugan Transport
No.2, West Ponnagaram 7th Street
Madurai 625 016

...Respondents



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PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the order dated 03.09.2022 made in M.V Appeal No.4 of 2022 on the file of the Tamil Nadu State Transport Appellate Tribunal, Chennai confirming the order of the 1st respondent made in Proceedings in R.No.45273/A3/2021 dated 02.02.2022 and allow the above civil revision petition.

For Petitioner : Mr.A.C.Asaithambi

For R1 to R4 : Mr.C.Baskaran
Government Advocate

For R5 : Mr.T.Padmanabhan

Mr.Vashik Ali
Advocate Commissioner

ORDER

The present revision petition has been filed by the stage carriage operator challenging an order passed by the State Transport Appellate Tribunal, Chennai on 03.09.2022.

2.The petitioner is a stage carriage operator in Dindigul District having permit to operate vehicle between Madurai to Periakulam for the period between 27.09.2019 to 26.09.2024. As per the original permit,



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while operating the buses from Periakulam to Madurai, the stage carriage vehicle should go through Vadipatti, Andipatti Travellers' Bungalow, Sholavandan, Thatchampatthu, Samayanallur and reach Madurai. There was an unmanned railway level crossing in Sholavandan junction over which the railway administration decided to put up an over-bridge. To carry out the construction activities, the Highways and the Railway Department had requested the District Collector, Madurai to divert the vehicle traffic in the said route by a request letter dated 29.01.2016.

3.Pursuant to the said request, the District Collector had passed an order on 15.07.2016 under Section 66(3)(m) of the Motor Vehicles Act, thereby diverting the traffic to a different route namely the vehicle passes from Andipatti Travellers' Bungalow cannot directly go to Sholavandan instead should pass through Nagari, Rayapuram then reach Thatchampatthu and thereafter, reach Sholavandan. The buses have to revert themselves again to Thatchampatthu from Sholavandan to reach Madurai via Samayanallur. This alternative route was directed to be followed by all the vehicles including the stage carriage buses.

4.On 15.11.2021 another stage carriage operator lodged a complaint to the Joint Transport Commissioner, Madurai that the petitioner



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is not following the diverted route but operating in a different route which is illegal. The said complaint was forwarded by the Joint Transport Commissioner, Madurai to the Regional Transport Officer for necessary action. The Regional Transport Officer, Madurai (North) issued a memo on 23.11.2021 directing the Motor Vehicle Inspector to conduct inspection and to submit a report. Sensing the complaint against him, the petitioner had submitted a representation to the District Collector on 29.11.2021 that they may be permitted to operate via Vadipatti, Andipatti Travellers' Bungalow, Samayanallur to reach Madurai. In other words, the petitioner sought permission of the District Collector to skip Sholavandan and Thatchampatthu. The said request of the petitioner was rejected by the Regional Transport Authority/District Collector, Madurai by an order dated 02.02.2022 on the ground that the buses cannot skip Sholavandan and Thatchampatthu. On the other hand, the buses after Andipatti Travellers' Bungalow have to take a circuitous route to Nagari, Rayapuram and Thatchampatthu to reach Sholavandan. The District Collector had referred to his order dated 15.07.2016 and rejected the request of the petitioner.

5.The order of the District Collector was challenged by the petitioner by filing an appeal under Section 89 of the Motor Vehicles Act



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before the State Transport Appellate Tribunal. The Tribunal was pleased to confirm the order of the District Collector by its order dated 03.09.2022. Challenging the said order, the present civil revision petition has been filed.

6.The learned counsel appearing for the petitioner had contended that as per order of the District Collector dated 15.07.2016, the stage carriage operator and other vehicle operators have been directed to take a circuitous route from Andipatti Travellers' Bungalow to Nagari and then to Rayapuram and then to Thatchampatthu to reach Sholavandan. However, according to the learned counsel for the petitioner, it is not possible to take diversion from Nagari to reach Rayapuram. Therefore, it is impossible for any vehicle to operate between Nagari and Rayapuram. Instead the petitioner prayed that from Nagari, the stage carriage vehicle may be permitted to operate straight away to reach Samayanallur thereby skipping Sholavandan and Thatchampatthu. The learned counsel had further contended that the order of District Collector dated 15.07.2016 is applicable only for the vehicle that are plying between Sholavandan and Vadipatti. Therefore, the said order is not applicable to the vehicle in question which is operating between Periakulam and Madurai.



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7.The learned counsel for the petitioner had further contended that none of the other vehicles are operating in the said route including the Government buses. Therefore, it is highly impossible for the petitioner to operate in the said diverted route. He had further contended that the circuitous route will result in extending an additional 10 kilometres thereby resulting in skipping of the time schedule fixed by the authorities. He had further contended that the Regional Transport Authority has not properly appreciated the fact that the route is a circuitous one and there is no possibility of the vehicle to take a route at Nagari to reach Thatchampatthu. That apart, the stage carriage buses have to move from Thatchampatthu to Sholavandan and thereafter, again to revert to Thatchampatthu in order to reach Madurai via Samayanallur. Therefore, the vehicle is compelled to operate twice between Sholavanthan and Thatchampatthu unnecessarily. Hence, he prayed for allowing of the revision petition.

8.The learned Government Advocate appearing for the official respondents had contended that all the vehicles including the Government buses are operated only as per the order of the District Collector dated



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15.07.2016. The petitioner alone cannot seek exemption from the said order. The order of the District Collector dated 15.07.2016 is applicable to all the vehicles that are plying between Vadipatti and Sholavandan.

9.As per the original permit, the petitioner's vehicle is also operating from Vadiaptti to Sholavandan while plying between Periakulam and Madurai. Therefore, the contention of the petitioner that the said order is not applicable to her is not factually correct. He had further contended that the District Collector has passed an order on 15.07.2016 and the petitioner was not complying with the said order and she was operating in a varied route. The private respondents had brought to the notice of the Joint Transport Commissioner by way of complaint in the year 2021. Only thereafter, the petitioner had approached the District Collecting seeking variation in the route exclusively for the petitioner. Therefore, there are no bonafides in the request made by the revision petitioner for variation in the route. He had further contended that the railway over-bridge is likely to be completed in the next two months and thereafter, the petitioner would be operating her bus only as per permit route. Hence, he prayed for sustaining the order passed by the authorities.



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10.I have considered the submissions made on either side and perused the materials available on record.

11.The petitioner is a stage carriage operator plying vehicle between Madurai to Periakulam and vice-versa. Admittedly, the petitioner is not having any grievance while plying his vehicle from Madurai to Periakulam. However, when she is operating her vehicle from Periakulam to Madurai, she has to go via Vadipatti, Andipatti Travellers' Bungalow, Sholavandan, Thatchampattu and Samayanallur to reach Madurai as per her original permit.

12.There is an unmanned level crossing in Sholavandan-Valayapatti junction which the railway administration had decided to close for putting up a railway over-bridge. Therefore, the railway authorities have requested the District Collector to divert the traffic in the said route so as to carry out the construction activities. Pursuant to the said request, the District Collector Madurai had passed an order diverting all the vehicles which are plying between Vadipatti to Sholavandan to a different route namely after reaching Andipatti Travellers' Bungalow, the vehicle will have to take a circuitous route to Vadipatti, Rayapuram, Thatchampattu and Sholavandan instead of directly coming from



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Andipatti Travellers' Bungalow, to Sholavandan. This order was passed by the District Collector on 15.07.2016.

13.The petitioner's bus is also operating in the same route namely Vadipatti to Sholavandan while plying from Periakulam to Madurai. Therefore, it cannot be disputed that the said order of the District Collector is also applicable to the petitioner's vehicle. Though this order was passed by the District Collector on 15.07.2016, the petitioner has not made any request whatsoever to the District Collector to have a varied route till he made his representation on 29.11.2021 nearly after a period of 5 years. This representation of the revision petitioner was triggered by a complaint lodged by another operator on 15.11.2011 that the petitioner is operating in a varied route which is illegal. Only thereafter, the revision petitioner has chosen to place a request to the District Collector seeking his permission for a varied route. Therefore, the representation dated 29.11.2021 is not borne out of bonafide difficulties in operating stage carriage buses. Only in order to get over the complaint lodged against her, the revision petitioner has come out with such a representation after a period of 5 years.



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14.It is not the case of the petitioner that all other private operators are operating in the varied route as requested by the petitioner. The Motor Vehicle Inspector of the concerned area was also present in person in the Court. According to her, all Government buses are operating as per the order of the District Collector dated 15.07.2016. None of the vehicles are operating in the route as requested by the revision petitioner. Therefore, it could be seen that the very representation of the petitioner is not due to any difficulties experienced by the petitioner but only to get over the complaint lodged against the petitioner.

15.If the request of the petitioner is acceded to, it would result in skipping of Sholanavandhan and Thatchampattu villages while plying from Periakulam to Madurai which is not in the interest of the general public. When other buses are operating in the circuitous route, the petitioner cannot seek exemption to operate straightly from Nagari to Samayanallur. That apart, the records disclose that the petitioner's vehicle had not violated the time schedule even while taking circuitous route. Therefore, the contention of the petitioner that taking circuitous route would violate the time schedule is not factually correct. It is also not the case of the petitioner that the authorities have initiated action against the



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petitioner for violation of time schedule while taking a circuitous route following the orders of the District Collect.

16. Therefore, viewed from any angle, the request of the petitioner is clearly against the public interest and in violation of the statutory provisions. The order of the District Collector dated 15.07.2016 which is applicable to the petitioner has not been challenged. Without challenging the said order, the present representation to the District Collector on 29.11.2021 seeking varied route is not maintainable

17. There are no merit in this revision. This Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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R.VIJAYAKUMAR, J

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Pre-delivery order made in
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