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C.R.P. (PD)No.224 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(NPD)No.224 of 2022
and CMP.No.1155 of 2022

The Secretary,
Regional Transport Authority,
Hosur, Krishnagiri District.

....Petitioners

Vs.

R.Suresh Babu
2.The State Transport Appellate Tribunal,
Chennai 600 104.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India against the order dated 30.12.2019 passed in M.V.No.78 of 2019 on the file of the State Transport Appellate Tribunal.

For Petitioner : Dr.S.Suriya
Additional Government Pleader

For RR1 : No appearance



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ORDER

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This Civil Revision Petition has been filed by the petitioner challenging the order dated 30.12.2019 passed in M.V.No.78 of 2019, on the file of the State Transport Appellate Tribunal.

2. The case of the petitioner is that the 1st respondent herein applied for grant of mini bus permit to ply in the route Hosur Bus Stand to Sipcot and gave representation to convene timing conference. Since the said representation was not considered, the 1st respondent has approached this Court by filing W.P.No.28114 of 2018. The said writ petition was dismissed. Challenging the dismissal order, the 1st respondent has preferred appeal before this Court in W.A.No.1348 of 2019. This Court allowed the writ appeal and directed the Secretary, Regional Transport authority to consider the representation of the petitioner. Thereafter, the representation was considered and a rejection order was passed. Challenging the rejection order, the 1st respondent has preferred appeal before the State Transport Appellate Tribunal in M.V.No.78 of 2019. The said appellate authority has allowed the appeal by setting aside the order of the Regional Transport



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Authority, Krishnagiri. Challenging the same, the petitioner has preferred this revision.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that when the representation reached the hand of the petitioner, the 1st respondent has ceased to be in possession of the mini bus. He has sold his vehicle to the third party. On that ground, the claim of the 1st respondent for conducting timing conference to a Mini bus does not deserve any valid consideration. Hence, the petitioner has rightly rejected the representation of the 1st respondent. The appellate authority without considering the material factors has erroneously set aside the rejection order passed by the petitioner.

4. This Court has carefully considered the submissions of the learned counsel for the petitioner and also perused the materials available on record. Though notice has been served on the 1st respondent and the counsel also appeared for him before the lower court, there is no representation on behalf of him before this Court.

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5. It is seen from the records that when the representation reached the hands of the petitioner for consideration, the 1st respondent has sold his vehicle to third party. At this juncture, his claim for grant of mini bus permit becomes infructuous. When there is no representation for the 1st respondent to object the stand taken by the petitioner, it is construed that the vehicle has been sold to third party. This Court has no other option except to accept the submission made by the learned counsel for the petitioner. The claim of the 1st respondent for grant of mini bus permit has no valid consideration. Thus, this Court is of the view that no further order can be passed in favour of the 1st respondent except to quash the impugned order.

6. For the reasons stated above, the Civil Revision is allowed. The impugned order dated 30.12.2019 passed in M.V.No.78 of 2019 on the file of the State Transport Appellate Tribunal, is set aside. No costs. Consequently connected miscellaneous petition is closed.

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To

1.The State Transport Appellate Tribunal,
Chennai 600 104.



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J.NISHA BANU,J.

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