



WP(MD)No.445 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.445 of 2024

and

WMP (MD) No.482 of 2024

Pandidurai

... Petitioner

Vs

The Regional Transport Authority
cum District Collector,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to consider the application dated 25.12.2023 for alteration of the stage carriage permit bearing registered in TN 63 AR 4603 between Paramakudi and Tuticorin via Vaippar - Kulathur- Veppolodai.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.GV.Vairam Santhosh

Additional Govt.Pleader

: Mr.Pethu Rajesh,

Advocate Commissioner



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ORDER

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The petitioner is a private transport operator and plying the stage carriage between Paramakudi and Tuticorin via Muthukulathur, Kadaladi, Sayalkudi, Vembar, Vaippar, Sippikulam and Veppalodai in the name of NNL Transport. The petitioner is having a permit valid upto 30.11.2028.

2.The petitioner has approached this Court for a mandamus directing the respondent to consider the application of this petitioner dated 25.12.2023 for modification of the route for the stage carriage bearing Registration No.TN 63 AR 4603 between Paramakudi and Tuticorin via Vaippar- Kulathur - Veppalodai.

3.According to the learned Counsel for the petitioner due to the recent flood in Tuticorin district, the roads in Tuticorin district are damaged and in some places it is fully damaged. The Tamil Nadu Transport Corporation buses are not



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operating their buses between Vaippar and Tuticorin via Sippikulam. Therefore the petitioner is now plying the vehicle between Vippar and Tuticorin via Kulathur and Kurukkusalai as the TNSTC buses ply. Therefore the petitioner has made an application for modification / alternate route as per the provisions under Section 103 of the Motor Vehicles Act, 1990 on 25.12.2023 and has filed this writ petition.

4.In response to the writ petition Mr.G.V.Vairam Santhosh, learned Additional Government Pleader who took notice for the respondent submitted that the roads at Keelavaippar, Sippikulam, Kallurani are in good condition and the vehicles can be operated in the said roads.

5.The learned Counsel for the petitioner has produced certain photographs and made out his case that the roads are not in good condition.



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6.Considering the rival submissions made this Court in order to ascertain the condition of the roads in dispute, by order dated 11.01.2024 has appointed Mr.P.Pethu Rajesh, learned Counsel who is having practice before this Bench for nearly 20 years, as Advocate Commissioner to inspect the roads and to file a report before this Court.

7.The learned Advocate Commissioner has also filed a report dated 30.01.2024 as follows:

"a.It is just and necessary to strengthen, sand ridge annexing either side of the road wherever thrashed by rain water by increasing the width of the said ridge in the interest of the vehicle not only operated by the petitioner, but also by others

b.Damages in the said ridges at the either side of the road in certain places will not be a barrier for the petitioner to ply his vehicle in the said route and personally saw the government buses plied in the said route. Since it is a single road in the village area some great caution and care is required while plying



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the vehicle which the driver of the vehicle should possess in ordinary circumstances.

c.Keelavaippar is a village panchayat having sufficient population. A school is running at Keelavaippar. Requirement of adequate public transport service is must for the said villagers. Nearby villagers from Ahamedpuram, SV Puram and Sippikulam were also standing in the same footing."

8.The Regional Transport Officer, Kovilpatti is present before this Court and he submits that the condition of the road is suitable for plying the buses. The Government has also allotted funds. The Highways Department is taking steps to re-lay road at the affected places and the work is being carried on. He further submits that the Government buses are plying in the permitted route via Sippikulam to Keelavaippar. Apart from the petitioner's bus, another private bus namely, RBS transport is operated to Keelavaippar via Sippikulam



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and they are not raising any objections. He also submits that the Villagers of Sippikulam, passed a resolution that they are not having adequate bus services and they are insisting for more number of buses and if the route is modified as requested by the petitioner, they will not be having any bus services to the Sippikulam Village.

9.This Court considered the rival submissions and perused the materials placed on record.

10.The petitioner is having certain grievances that the present road condition in certain places are not suitable for plying vehicles. He also produced some photographs. The respondent submits that they are taking steps to re-lay road at the affected places. Transport service to the village is necessary. At the same time, the safety of the travellers are also paramount important. Therefore, the respondent shall ensure that the vehicles in the routes are plied in the safest condition.



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11.As pointed out by the learned Advocate Commissioner and by the learned Counsel for the petitioner it appears it is very challenge to operate the vehicles in the affected places and therefore, the Highways Department shall identify those places in consultation with the RTO, Kovilpatti and ensure those places are suitable for plying the vehicles without any obstacles.

12.Since the petitioner has submitted an application for modification of route under Section 103 of the Motor Vehicles Act, the respondent shall consider the application and pass orders on its merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

13.This writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

30.01.2024

Internet : Yes / No



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Ramanathapuram District.



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B. PUGALENDHI , J .

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