



W.A.(MD) No.471 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.471 of 2021
and
C.M.P.(MD) No.1989 of 2021**

1.Regional Transport Authority /
District Collector
Theni, Theni District

2.The Regional Officer
Regional Transport Office
Theni, Theni District

3.The Motor Vehicle Inspector Grade-II
O/o.The Regional Transport Office
Theni, Theni District

... Appellants

-vs-

P.Rani

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 17.09.2020, passed in W.P.(MD) No.11070 of 2020, on the file of this Court.



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For Appellants : Ms.D.Farjana Ghoushia
Special Government Pleader

For Respondent : Mr.V.Karthik Raja
for M/s.Ajmal Associates

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The respondent filed the writ petition in W.P.(MD) No.11070 of 2020, challenging the order dated 18.08.2020, passed by the first appellant, rejecting her request for entering of her mini bus into the Old Bus Stand and Bus Stand in Theni, in the light of the proceedings of the Transport Commissioner, dated 29.11.2000.

2. The learned Single Judge, by order dated 17.09.2020, permitted the respondent to enter into Theni Old Bus Stand while covering the permitted route and partly allowed the writ petition. The relevant portion of the said order is extracted hereunder:

6.In paragraph No.11 of the impugned order, the first respondent had stated that there would be deviation to the extent of 125 meters only. According to the authority, the petitioner is already traversing 3.8 kms on the served sector. Adding both together, it would still fall well within the ceiling limit of 4 kms.



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Therefore, this part of the impugned order is quashed and the petitioner is permitted to enter into Theni Old Bus Stand, while covering the permitted route.

7.I permit the petitioner to file an independent appeal questioning the impugned order before the tribunal. I make it clear that all the contentions of the petitioner are otherwise left open.”

3. Challenging the same, the present writ appeal.

4. It is seen that pursuant to the above order passed by the learned Single Judge, the very same writ petitioner has filed an appeal before the State Transport Appellate Tribunal, Chennai, in M.V.Appeal No.3 of 2021, challenging the very same order impugned in the writ petition and the State Transport Appellate Tribunal, by order dated 88.12.2021, has dismissed appeal. The relevant portion of the said order is extracted hereunder:

“23.Therefore, from the above section and Apex Court Judgments, route has clearly defined under the Act and also decided by the Hon'ble Apex Court. Route means distance between the Starting Point and the Terminal Point. Accordingly point No.(i) is answered.



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33. In the case in hand, the served sector exceeds by 0.475 metres than the scheme. Therefore the Appellant is not entitled for the relief prayed for.

34. In the facts and circumstances of the case, I am of the view that for all the above mentioned reasons, Regional Transport Authority has considered all the facts of the case, giving reasons in the impugned order and hence, no interference warrants by this Tribunal and hence, I am inclined to dismiss the appeal and the appellant is not entitled to get the relief from this Tribunal to enter into Theni New Bus Stand. Thus, the appeal deserves to be dismissed, hence dismissed by confirming the impugned order and accordingly, point No.(ii) is answered accordingly.

...

35. In view of the findings for point no.(i) and (ii), since the appellant is not entitled for any relief and the order of the authority is confirmed, this appeal is be dismissed and this point is answered accordingly.

In fine, this appeal is dismissed and the order of the Regional Transport Authority, Theni District, made in Proceedings R.No.1034/A3/2020, dated 18.08.2020 is confirmed with regard to enter into Theni New Bus Stand.”



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5. In view of the subsequent order, dated 08.12.2021, passed by the State Transport Appellate Tribunal, Chennai, in M.V.Appeal No.3 of 2021, which is found to be comprehensive, the findings and directions given by the learned Single Judge in Paragraph No.6 of the order impugned herein, hereby stand vacated.

6. Accordingly, this writ appeal is allowed. It is open to the respondent to challenge the order, dated 08.12.2021, passed by the State Transport Appellate Tribunal, Chennai, in M.V.Appeal No.3 of 2021, in accordance with law, if she is so advised. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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