



W.P(MD)Nos.6443 & 6444 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.6443 & 6444 of 2024
WMP(MD) Nos.6025 & 6033 of 2024

K.Poovendhan

... Petitioner in
WP(MD) No.6443/2024

K.Sivasami

... Petitioner in
WP(MD) No.6444/2024

Vs

1.The Regional Transport Authority,
Sivagangai,
Sivagangai District.

2.The Regional Transport Officer,
Sivagangai,
Sivagangai District.

3.The Motor Vehicle Inspector,
Grade - I, Unit Office (UO),
Karaikudi,
Sivagangai District.

4.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi,
Sivagangai District.

Respondents in both WPs



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COMMON PRAYER:- Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to permit the petitioners to operate their Mini Bus bearing Registration Nos. TN-63-AX-2359, TN 23 N 0241 and TN 72 C 5540 from the Karaikudi Temporary New Bus Stand till then the Karaikudi Old Bus Stand complete the construction process and consequently direct the 4th respondent not to interfere above said Mini Buses while entering into the Karaikudi temporary New Bus Stand and for other reliefs.

For Petitioner : Mr.A.C.Asaithambi
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.K.Ramaiah
(In both WPs)

COMMON ORDER

The petitioners are the mini bus operators, operating mini buses on the route Karaikudi old bus stand to Chinnavadakudipatti Bore pump and they have approached this Court seeking Mandamus, directing the respondents 1 to 3 to permit



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them to operate their mini buses from Karaikudi Temporary New Bus Stand in view of the renovation now being carried out in Karaikudi old bus stand.

2.The learned counsel appearing for the petitioner submits that Karaikudi old bus stand is now under renovation and therefore the buses are not permitted to Karaikudi old bus stand. Therefore, a temporary arrangement has been made permitting the other buses to operate from temporary bus stand. However, the mini bus operators are denied access to this temporary bus stand on the ground of traffic congestion. The learned counsel further submits that the object of a Scheme itself is to give easy access to the Chinnavadakudipatti villagers and other villagers to have access to Karaikudi old bus stand. If the access for this petitioners' mini buses to the temporary bus stand is denied, the petitioners could not give effective service for the villagers, for whom the scheme has been framed.



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3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents 1 to 3 strongly opposes these writ petitions on the ground that these mini buses are permitted as per G.O.Ms.No.1544 Home (Transport-III) Department, dated 17.11.1999 with a specific obligation of providing service to the unserved sectors. The mini bus operators have to provide service to a minimum 4 kms in the unserved sector and a Scheme was also framed to that effect and therefore, these petitioners cannot take advantage to have service in the served sectors. In the event, if the petitioners are permitted to the temporary bus stand, these petitioners will cover 19.7 kms, which is more than the permitted distance as per the above Government order. She further submits that the representation of these petitioners were considered and they were provided an alternative arrangement to Agathiyar Arangam.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, these petitioners were permitted to operate their mini buses from Chinnavadakudipatti Bore pump to the old bus stand. This appears to be providing some service to the villagers to reach Karaikudi old bus stand. Now, Karaikudi old bus stand is under renovation and therefore, the buses are not permitted to the old bus stand and a temporary bus shelters have been arranged, where, other buses were permitted to operate. However, petitioners, who are the mini bus operators have been denied to operate from the temporary bus stand. Therefore, they have made a request for permitting their mini buses to the temporary bus stand, till the renovation work in Karaikudi old bus stand is completed. However, the same has been denied that if the petitioners are permitted to the temporary bus stand, they will ply their mini buses for more than permitted limit in the served sector.



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6. Mini bus Scheme was launched in Tamil Nadu in the year 1996 with an intention of strengthening rural transportation connecting wide range of regions including tribal areas and remote habitations and the Scheme has been framed with certain obligations and one such condition is that there must be an operation of mini bus in the unserved sector. The petitioner is operating the mini bus from Chinnavadakudipatti Village, which is an unserved sector. In view of the renovation work in the old bus stand, a temporary arrangement has been made and when other buses are permitted to have service in the temporary bus stand, the petitioners were not permitted to operate their mini buses in the temporary bus shelters. The respondents claim that they have been provided with Agathiyar Arangam. If the petitioners are not permitted to have service in the temporary bus stand, then the main object of framing of scheme itself would be defeated and the service to Chinnavadakudipatti to the bus stand would be denied.



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7.In view of the above, these writ petitions are allowed.

The respondents are directed to permit these petitioners to have service in the temporary bus stand till renovation work in Karaikudi old bus stand is completed. No costs. Consequently, connected Miscellaneous petitions are closed.

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



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Common Order made in
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