



W.P(MD)No.10870 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.10870 of 2024
and
W.M.P(MD)No.9677 of 2024

S.Indira

... Petitioner

Vs.

- 1.The Regional Transport Authority cum
District Collector,
Dindigul District, Dindigul.
- 2.The Regional Transport Officer,
Office of the Regional Transport Office,
Dindigul.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Palani Branch,
Dindigul District.
- 4.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Ottanchathiram Branch,
Dindigul District.
- 5.P.Jothi



W.P(MD)No.10870 of 2024

6.The Regional Transport Officer,
Palani,
Dindigul District.

7.The Inspector of Police,
Palani Police Station,
Dindigul District.

8.The Inspector of Police,
Ottanchathiram Police Station,
Ottanchathiram,
Dindigul District.

... Respondents

*(Respondents 6 to 8 are impleaded vide Court order,
dated 16.08.2024 in W.M.P(MD)No.14305 of 2024 in
W.P(MD)No.10870 of 2024)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to make an entry on the petitioner's permit in R.No: 003241/A2/2022 the change of schedule of timings issued by the second respondent, dated 24.06.1986 and 10.10.1988 enabling the petitioner to operate her stage carriage bearing Registration No.TN 57 - AW - 5168 in Palani Bus Stand departure time at 07.45 A.M to reach Ottanchathiram Bus Stand at 08.45 A.M and in Ottanchathiram Bus Stand departure time at 09.15 A.M to reach Palani Bus Stand at 10.20 A.M within the time frame as fixed by this Court and for other reliefs and to pass such further or other orders as this Court.

For Petitioner : Mr.A.C.Asaithambi



W.P(MD)No.10870 of 2024

For R-1, R-2 &
R-6 to R-8 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-3 & R-4 : Mr.S.C.Herold Singh
Standing Counsel

For R-5 : Mr.V.Karthik Raja
for M/s.Ajmal Associates

ORDER

The present writ petition is filed praying for Mandamus, directing the second respondent to make an entry on the petitioner's permit in R.No: 003241/A2/2022 for change of schedule of timings issued by the second respondent, dated 24.06.1986 and 10.10.1988 enabling the petitioner to operate her stage carriage bearing Registration No.TN 57 - AW - 5168 in Palani Bus Stand departure time at 07.45 A.M to reach Ottanchathiram Bus Stand at 08.45 A.M and in Ottanchathiram Bus Stand departure time at 09.15 A.M to reach Palani Bus Stand at 10.20 A.M.

2. It may be relevant to note that this is the second round of litigation. In the earlier round of litigation, the petitioner had filed a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent vide his proceedings in R.No.A3/36947/03, dated



W.P(MD)No.10870 of 2024

13.07.2005 and quash the same as illegal and consequently, direct the respondents 1 and 2 to permit the petitioner to operate her stage carriage bearing Registration No.TN57 AW 5168 in Palani Bus Stand departure time at 07.45 A.M to reach Ottanchathiram Bus Stand at 08.45 A.M and in Ottanchathiram Bus Stand departure time at 09.15 A.M to reach Palani Bus Stand at 10.20 A.M as per the revised timing schedule of the second respondent in the year of 1986.

3. This Court after finding that the said writ petition was hit by laches, had dismissed the writ petition and granted liberty to the petitioner to approach the Regional Transport Officer, Palani, for revision of timings in operating their bus. Pursuant to the above, the second respondent sent a reply stating that there is no provision to change the time table of the Stage Carriage Buses and if the petitioner wants to file an appeal, she can approach before the State Transport Authority.

4. The reply of the second respondent is extracted hereunder:

"As per the current situation, there is no provision to change the time table of the Stage Carriage Buses, so you can appeal to the State Transport Authority, Chennai."



W.P(MD)No.10870 of 2024

5. The petitioner has now filed a Writ of Mandamus with the following prayer:

"The present writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the second respondent to make an entry on the petitioner's permit in R.No: 003241/A2/2022 the change of schedule of timings issued by the second respondent, dated 24.06.1986 and 10.10.1988 enabling the petitioner to operate her stage carriage bearing Registration No.TN 57 - AW - 5168 in Palani Bus Stand departure time at 07.45 A.M to reach Ottanchathiram Bus Stand at 08.45 A.M and in Ottanchathiram Bus Stand departure time at 09.15 A.M to reach Palani Bus Stand at 10.20 A.M."

6. It is submitted by the learned Additional Government Pleader for the official respondent that the petitioner may file an application for modification and the same would be considered by the Transport Authority in terms of rule 248 of the Tamil Nadu Motor Vehicle Rules, which was agreed to by the learned Counsel for the petitioner. In view thereof, the writ petitioner is granted liberty to file a representation before the appropriate authority under Rule 248, who shall proceed to dispose of the said application, after putting the petitioner and all the stakeholders on notice as expeditiously as possible, not later than six months.



W.P(MD)No.10870 of 2024

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7. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.08.2024

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

To

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W.P(MD)No.10870 of 2024

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W.P(MD)No.10870 of 2024

MOHAMMED SHAFFIQ, J.

BTR

W.P(MD)No.10870 of 2024

16.08.2024