



W.P.(MD) No.12577 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.12577 of 2022

The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Nagercoil Division,
Kanyakumari District.

... Petitioner

Vs.

1.The Regional Transport Authority/
The District Collector,
Nagercoil, Kanyakumari District.

2.The Regional Transport Officer,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the second respondent to implement the direction issued by the first respondent in Na.Ka.No.V2/3361/2020 dated 18.03.2021 in the light of the Transport Commissioner's Circular Letter in R.No.90919/E2/2000 dated 29.11.200 within a time frame fixed by this Court.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

WEB COPY The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the second respondent to implement the direction issued by the first respondent in Na.Ka.No.V2/3361/2020 dated 18.03.2021 in the light of the Transport Commissioner's Circular dated 29.11.2000 bearing reference Letter R.No.90919/E2/2000 within a time frame fixed by this Court.

2. By a Circular dated 29.11.2000, the first respondent directed all Regional Transport Authorities cum District Collector to consider the request of the mini bus operators while issuing permits and to issue suitable instructions to the Regional Transport Officer to allow the existing mini bus operators to touch the bus stand and to switch over the permits issued from the old scheme to the new scheme subject to the provisions of law and scheme.

3. The learned Special Government Pleader for the respondents would submit that as per the above Circular, the mini bus operators having sufficient distance on the served sector not exceeding 4.0 kms. may be permitted to touch the nearby bus stand, if any, from their termini of the

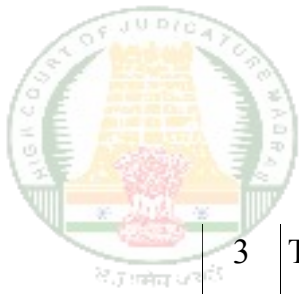


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permitted route for conveyance of mini bus passenger to reach the nearby bus stand, where, they can get direct bus facilities to various destinations.

4. The learned Special Government Pleader for the respondents further submits that 6 mini bus operators from Kanyakumari District filed Writ Petitions before this Court, to permit those mini bus operators to touch the Anna Bus Stand since they are operating lesser distance below 4.0 kms on the served sector, based on the Circular of the first respondent dated 29.11.2000. Details of those mini bus operators are as under:

Sl. No.	Vehicle No.	Permitted Route	W.P.(MD) No.	Order of this Court
1	TN 49 S 0904	Kottar Govt. Hopital to Karakadu Served Sector - 3.9 kms. Unserved Sector - 3.3 kms. Total - 7.2 kms.	W.P.(MD) No. 18158 of 2014	12.11.2014
2	TN 27 6163	Kottar Govt. Hopital to Karakadu Served Sector - 3.9 kms. Unserved Sector - 3.3 kms. Total - 7.2 kms.	W.P.(MD) No. 18549 of 2014	19.10.2014



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3	TN 74 E 7898	Chettikulam Jn., to Ananthanadarkudy Served Sector - 3.9 kms. Unserved Sector - 3.3 kms. Total - 7.2 kms.	W.P.(MD) Nos. 19506 and 19507 of 2014	08.12.2014
4	TN 74 E 7868	Vadasery Bus Stop to Vishnupuram Village Served Sector - 4.0 kms. Unserved Sector - 2.6 kms. Total - 6.6 kms.	W.P.(MD) Nos. 19506 and 19507 of 2014	08.12.2014
5	TN 74 D 7724	Veppamoodu Jn, to Asaripallam Served Sector - 3.8 kms. Unserved Sector - 3.2 kms. Total - 7.0 kms.	W.P.(MD) Nos. 19532 and 19538 of 2014	08.12.2014
6	TN 74 E 7850	Nagercoil Court to Erumbukadu Served Sector - 3.8 kms. Unserved Sector - 3.6 kms. Total - 7.4 kms.	W.P.(MD) Nos. 19532 and 19538 of 2014	08.12.2014

5. It is submitted that this Court allowed the above Writ Petitions and directed the respondents to permit the above mini bus operators to go inside the Anna Bus Stand as per the Circular of the first respondent dated 29.11.2000 and in the light of the earlier order passed by this Court in W.P.(MD) No.12257 of 2011, dated 29.10.2011 [**R.Bharathi** Vs.



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Regional Transport Officer, Dindigul] by ascertaining the facts that all the aforesaid mini buses are operated lesser distance below 4 kms. on the served sector of the route.

6. It is further submitted that thereafter, the petitioner Tamil Nadu State Transport Corporation, Nagercoil Division sent a representation in Lr.No.010/Va8/TNSTC/Nager/18 dated 23.02.2021 to the first respondent to take appropriate action against the aforesaid mini bus operators as the said mini buses enter the Anna bus Stand at Nagercoil as against their permit. The first respondent in his turn sent a representation dated 18.03.2021 bearing reference Lr.No.V2/3361/2020 to the second respondent with a request to take appropriate action against the said mini bus operators. The second respondent, by his Letter dated 29.06.2022 bearing reference R.No.011680/A2/2022, directed the Motor Vehicle Inspector, Nagercoil to verify the operation of the aforesaid mini buses along with Deputy Manager of Tamil Nadu State Transport Corporation Ltd, Nagercoil Division. In the joint inspection held on 08.07.2022, it was ascertained that there was a overlapping in the served sector for the mini buses to go inside the Anna Bus Stand, details of which, are given below:



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Sl. No.	Vehicle No.	Permitted Route	Served Sector Route Length	Overlapping in the Served Sector	Total Served Route Length
1	TN 49 S 0904	Kottar Govt. Hopital to Karakadu	3.9 kms.	4.2 kms.	8.1 kms.
2	TN 27 6163	Kottar Govt. Hopital to Karakadu	3.9 kms.	4.2 kms.	8.1 kms.
3	TN 74 E 7898	Chettikulam Jn., to Ananthanadarkudy	3.9 kms.	3.3 kms.	7.2 kms.
4	TN 74 E 7868	Vadasery Bus Stop to Vishnupuram Village	4.0 kms.	4.2 kms.	8.2 kms.
5	TN 74 D 7724	Veppamoodu Jn, to Asaripallam	3.8 kms.	2.2 kms.	6.0 kms.
6	TN 74 E 7850	Nagercoil Court to Erumbukadu	3.8 kms.	4.9 kms.	8.7 kms.

7. It is further submitted that after noticing the above overlapping, the second respondent *vide* a letter dated 14.07.2022 instructed the Motor Vehicle Inspector to take appropriate actions for violation of route as against the permitted distance of 4 kms. as per the Modified Approved Area Scheme, 1999. Therefore, Show Cause Notices were issued to the mini bus operators and after receipt of their explanation, appropriate action will be taken against them. It is submitted that in the mean while, the petitioner approached this Court for a direction to implement the direction issued by the first respondent in the Letter dated 18.03.2021 and



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therefore, there are no merits in this Writ Petition and this Writ Petition is liable to be dismissed.

8. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

9. Since the respondents have already issued Show Cause Notices to the mini bus operators, the second respondent is directed to pass appropriate orders in the Show Cause Notices, keeping in mind the recommendation of the first respondent in the Circular dated 29.11.2000 bearing reference Letter R.No.90919/E2/2000, within a period of three months from the date of receipt of a copy of this order, if any orders have not been passed already.

10. Accordingly, this Writ Petition stands disposed of. No costs.

08.04.2024

Index: Yes / No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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- 1.The Regional Transport Authority/
The District Collector,
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C.SARAVANAN, J.

JEN

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