



W.P.(MD) No.18842 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18842 of 2023

and

W.M.P.(MD) Nos.15652 & 15654 of 2023

1.P.R.Jaghadeesh Chandar

2.K.M.Prasanna

... Petitioners

Vs.

1.The Regional Transport Authority-cum-
District Collector,
Virudhunagar District,
Virudhunagar.

2.The Regional Transport Officer,
O/o.The Regional Transport Office,
Srivilliputhur,
Virudhunagar.

3.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division, Madurai District.

4.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division, Madurai District.



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5.The Branch Manager No.1,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Rajapalayam Branch -I,
Virudhunagar District

6.The Inspector of Police,
North Police Station,
Rajapalayam,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents No.3 to 5 operating their Stage Carriage bearing Registration No.TN 67-N 0790 or any other vehicle on the route Rajapalayam to Thiruvankadam without permit and time schedule and to pass such further orders.

For Petitioners : Mr.A.C.Asaithambi

For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader

For R3 to R5 : Mr.K.Ramaiah
Standing Counsel

For R6 : Mr.S.Manikandan
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for forbearing the respondents No.3 to 5 operating their Stage Carriage bearing Registration No.TN 67-N 0790 or any



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other vehicle on the route Rajapalayam to Thiruvankadam without permit and time schedule.

2. The second respondent has filed a counter on 24.08.2023. It has been stated as follows:

“6. It is also respectfully submitted that the 2nd respondent immediately on receipt of the complaint of the writ petitioner on 16.06.2023, directed the motor vehicles inspector of his office to make surprise check of the bus TN 67 N 0790 and found whether it is being operated on the permitted route or otherwise and report compliance to the 2nd respondent in memo R.No.13218/A2/2023 Dt.16.06.2023.

In pursuance to the direction of the 2nd respondent, the Motor Vehicle Inspector Gr I, Srivilliputhur surprisingly checked the bus TN 67 N 0790 of the State Transport Undertakings Virudhunagar and found that even though the above said vehicle already permitted to ply on the route Srivilliputhur – Rajapalayam – Shenbagathoppu, it was found to be operated on the route Rajapalayam to Thiruvengadam unauthorized and without any prior permission of the 1st and 2nd respondents which amount to violation of permit condition of Sec 72 (2) (i) of the MV Act 1988.

Hence, the Motor Vehicle Inspector -Gr I issued a check report to the bus TN 67 N 0790 on 17.06.2023 in No.B032735 for the offense of operating on the non-permitting route and time schedule and also for certain other offenses noticed at the time of check.

Consequent on a show cause notice issued to the State Transport Undertakings in R. No.13316/A2/2013 Dt. 30.06.2023 called on to explain as to why the permit of the said vehicle should not be suspended or cancelled as per Sec



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86 (1) of MV Act 1988 for the said violations noticed at the time of check.

In response to the show cause notice, the State Transport Undertakings, Virudhunagar in their letter R.No.State Transport Undertakings/C&O/P1/2023 Dt. 19.07.2023 submitted their explanation by pleaded that they had operated their vehicle TN 67 N 0790 on the route Rajapalayam to Thiruvengadam in place of their bus TN 67 N 0644 in the interest of school / college goers.

The above said explanation offers by the State Transport Undertakings / Virudhunagar is being considered by the 1st respondent herein in pursuance of Sec 86 (1) of MV Act 1988 read with Sec 73(2) (i) of MV Act 1988 and Sec 101 of MV Act.

7. In view of the above said facts, it is respectfully submitted that appropriate and effective action was taken by the 1st and 2nd respondent against the (3) to (5) respondents for the irregular operations of the bus TN 67 N 0790 for having plied on the route not authorized in the permit and without any intimation given to the transport authority in this regard.”

3. The learned counsel for the second respondent, however, has not able to confirm the status of the proceedings initiated against the respondent nos.3, 4 and 5 by the District Collector/first respondent herein.

4. Considering the above, this Writ Petition is disposed of by directing the first respondent to pass appropriate orders in view of the proceedings initiated against the respondent nos.3, 4 and 5. If already the orders have not been passed,



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such order may be passed within a period of 60 days from the date of receipt of a copy of this order. It is needless to say that the respondent nos.3,4 and 5 shall be heard before such order are passed.

Accordingly. this Writ Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

24.04.2024

To

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Virudhunagar.

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O/o.The Regional Transport Office,
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C.SARAVANAN, J.

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