



W.A.(MD)No.1314 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **27.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.1314 of 2016
and
C.M.P(MD)No.9325 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division,
91, Bypass Road,
Madurai – 625 010.

: Appellant/4th respondent

Vs.

- 1.C.Nagarathinam
- 2.The Regional Transport Authority,
cum District Collector,
Madurai.
- 3.The Regional Transport Officer,
Madurai South.
- 4.The Regional Transport Officer,
Srivilliputhur,
Virudhunagar District.

: Respondents/Respondents 1 to 3

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 07.07.2015 passed in W.P.(MD) No.9988 of 2015.



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For Appellant : Mr.A.P.Muthupandian
For Respondents : Mr.S.C.Herold Singh for
Mr.A.C.Asaithambi for R1
Mr.M.Prakash
Addl. Govt. Pleader for R2 to R4

JUDGMENT

(Judgment of the Court was delivered by **K.K.RAMAKRISHNAN, J.**)

The appellant Corporation has filed the writ appeal challenging the order of the Writ Court dated 07.07.2015 made in W.P.(MD) No.9988 of 2015, wherein, the Writ Court has passed an order prohibiting the appellant Corporation to run the spare bus on the route “Srivilliputhur to Coimbatore viz., Madurai, Palani and Pollachi” forthwith.

2. The first respondent herein has filed the writ petition stating that the appellant/Corporation without permit, is plying the bus on the route “Srivilliputhur to Coimbatore viz., Madurai, Palani and Pollachi”. According to the writ petitioner, he has route from Madurai to Palani and his schedule time



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is 10.05 a.m. According to the appellant/Corporation, their schedule time is 10.10 a.m. Since the appellant/Corporation plied the bus without permit, there is a huge loss to the writ petitioner. Hence, he sent a representation to the authorities to restrain the corporation bus from running in the said route without permit.

3. The writ Court has allowed the writ petition and directed the second respondent herein to consider the case of the petitioner with regard to plying the vehicle on the route “Srivilliputhur to Coimbatore viz., Madurai, Palani and Pollachi”. Challenging the same, the appellant/Corporation has filed the present writ appeal.

4. The learned counsel for the appellant/Corporation submitted that considering the requirement of the people and also considering the temporary need, suggested by number of persons, under Section 87(1)(c) of the Motor Vehicles Act, they obtained temporary permit and they decided to ply the bus. Hence, the route was fixed by the competent authority, namely, the Secretary, State Transport Authority, Chennai – 5. As per the order dated 21.05.2015, the bus has been plied from “Srivilliputhur to Coimbatore viz., Madurai, Palani and Pollachi” .



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5. The learned counsel for the first respondent/writ petitioner submitted that there was no valid permit and without temporary permit, the appellant intended to ply the bus. The Writ Court also held that there was no valid permit as on the date. We are of the view that the said finding is not in accordance with law because the Government has granted temporary permit, considering the requirements of the people, and the appellant/Corporation has plied the vehicle from Sivakasi to Coimbatore. The same was not considered by the Writ Court. Further, the first respondent's/writ petitioner's schedule time of departure is 10.05 a.m and the schedule time of departure of appellant Corporation bus is 10.10 a.m. After departure of the writ petitioner's bus, the appellant/Corporation bus has to depart. Hence, we are of the view that there is no grievance for the writ petitioner, however, the Writ Court has not considered the submission of the appellant/Corporation and without considering the same, the Writ Court has issued a Mandamus. Hence, the same needs interference by this Court.

6. Though the learned counsel for the first respondent/writ petitioner contended that after issuance of the notice in the writ petition, the appellant obtained permit, we are of the view that the appellant/Corporation after



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considering the requirements of the people obtained the permit from the Government. Therefore, the contention of the first respondent/writ petitioner is not acceptable.

7. In the result, this Writ Appeal is allowed and the order passed by the Writ Court in W.P(MD)No.9988 of 2015 dated 07.07.2015 is hereby set aside. The cost of Rs.5000/- (Rupees Five Thousands only) imposed by the Writ Court on the appellant/Corporation is also set aside. No costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]

skn

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NCC : Yes/No

Index : Yes / No

Internet : Yes

To

1.The Regional Transport Authority,
cum District Collector,
Madurai.

2.The Regional Transport Officer,
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3.The Regional Transport Officer,
Srivilliputhur,
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