



WP(MD)No.21290 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.09.2024**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD)No.21290 of 2024

and

W.M.P.(MD)No.18015 of 2024

S.Malarvalli

... Petitioner

/Vs./

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

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

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

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

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to permit the petitioner to operate her Mini Bus bearing Registration Nos. TN 63 AZ 9797



WP(MD)No.21290 of 2024

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 her Mini Bus while entering into the Karaikudi temporary New Bus Stand and for other reliefs.

For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mr.R.Suresh Kumar (R1 to R3)
Additional Government Pleader
Mr.K.Jagadees Balan (R4)
Standing counsel

ORDER

This Writ Petition has been filed for a writ of mandamus, directing the respondents 1 to 3 to permit the petitioner to operate her Mini Bus bearing Registration Nos. TN 63 AZ 9797 into Karaikudi Temporary New Bus Stand, till the construction process is completed in Karaikudi Old Bus Stand with a consequential direction to the fourth respondent not to disturb the petitioner's Mini Bus, while entering into the Karaikudi temporary New Bus Stand.

2. Heard Mr.A.C.Asaithambi, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.K.Jagadees Balan, Standing counsel appearing for the fourth respondent.



WP(MD)No.21290 of 2024

3. The learned counsel appearing for the petitioner would submit that under similar circumstances, this Court, in WP(MD)Nos.6443 and 6444 of 2024 dated 21.03.2024 had permitted the mini bus operators therein in unserved sector to have service in the temporary bus stand and the order passed by this Court in WP(MD)Nos.6443 and 6444 of 2024 dated 21.03.2024 was also placed before this Court and the relevant portion of the order reads as under:

“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.”



WP(MD)No.21290 of 2024

4. To the contrary, the learned Additional Government Pleader appearing for the official respondents would submit that the terminus of the petitioner's mini buses is on the city side of Karaikudi, which is not disturbed, due to the ongoing repair works in Karaikudi old busstand and the same is also removed from Karaikudi old busstand and thus, the petitioner is not entitled to the relief as claimed by the petitioner. Further, the order of this Court relied upon by the learned counsel appearing for the petitioner may have no relevance to the facts in the present case.

5. The second respondent has also filed a counter affidavit, wherein it is stated as follows:-

“3. It is submitted and stated that the Writ Petitioner herein had purchased the above mentioned Minibus permit, by way of Transfer of Permit and presently running the service. The Permit route details of her Minibus vehicle is submitted, as below:-

<i>Sl. No.</i>	<i>Regn. No. of the vehicle</i>	<i>Permitted Route</i>	<i>Permit No and its Date of Expiry</i>
<i>1</i>	<i>TN 63 AZ 9797</i>	<i>Karaikudi Anna Silai to Kottaiyur (via) Lamp, Periyar Statue, Ambethkar Silai, Sekalai Water Tank, Vairavapura, Weekly Market, Alammaram Parinagar, Sirram Nagar, Visweswara Hospital, Chidambaram Chettiar School</i>	<i>3A/SVG/2016 21.08.2025</i>



WP(MD)No.21290 of 2024

WEB COPY

As such, by the terms of the Original grant, her 3 Minibus permit don't have have Karaikudi Old Bus Stand as its one of the terminus nor Karaikudi Old bus stand comes within the course of its permitted route, it is submitted and stated.”

6. The learned Additional Government Pleader appearing for the official respondents would also submit that the appropriate authority namely the first respondent would consider and pass orders on the petitioner's representations dated 22.01.2024 and 13.08.2024, after issuing notice to the petitioner and other interested parties and stakeholders, within a time frame to be fixed by this Court.

7. Considering the aforesaid submission made by the learned Additional Government Pleader appearing for the official respondents, the respondents are directed to consider and pass orders on the petitioner's representations dated 22.01.2024 and 13.08.2024, after issuing notice to the petitioner and other interested parties and stakeholders, within a period of four weeks from the date of receipt of a copy of this order. While passing orders on the petitioner's representations, the respondents shall also take into consideration the order of this Court in WP(MD)Nos.6443 and 6444 of 2024 dated 21.03.2024 relied upon by the learned counsel appearing for the petitioner.



WP(MD)No.21290 of 2024

WEB COPY

8. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

09.09.2024
(1/2)

NCC :Yes/No
Index :Yes/No
sm

Note: Issue Order Copy on 13.09.2024.



WP(MD)No.21290 of 2024

To:

- 1.The District Collector Cum Regional Transport Authority,
Sivagangai District,
Sivagangai.
- 2.The Regional Transport Officer,
Sivagangai District,
Sivagangai.
- 3.The Motor Vehicle Inspector Grade -I,
Unit Office,
Karaikudi,
Sivagangai District.
- 4.The Branch Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi,
Sivagangai District.



WEB COPY



WP(MD)No.21290 of 2024

MOHAMMED SHAFFIQ, J.

Sm

Order made in
W.P.(MD)No.21290 of 2024
(1/2)

Dated:
09.09.2024