



CRP.No.325 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.325 of 2025
and CMP.No.2081 of 2025

B.Narayanamoorthy

.. Petitioner

Versus

The Regional Transport Authority
Kanchipuram

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 30.05.2014 passed in M.V.Appeal No.3 of 2013 on the file of the learned State Transport Appellate Tribunal.

For petitioner : Mrs.Radha Gopalan, Senior Counsel
for Mr.K.Hariharan

For respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

Challenge has been made to the judgment passed by the State Transport Appellate Tribunal in M.V.Appl.No.3 of 2013 dated 30.05.2014 remanding the matter back to the Regional Transport Authority, Kancheepuram, the present

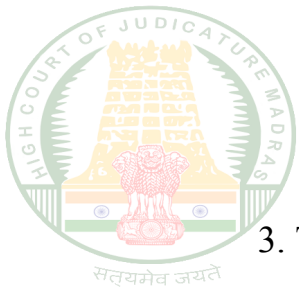


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revision has been filed.

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2. The case of the revision petitioner is that he is a stage carrier operator plying two stage carriages in Tiruvannamalai region and one stage carriage in Kancheepuram region. He has one spare bus in Tiruvannamalai region, similarly, he has one spare route bus in Kancheepuram region. Thus, revision petitioner is having two spare buses permit issued by the Regional Transport Authority, Tiruvannamalai and Kancheepuram respectively. In the order of the Regional Transport Authority, Kancheepuram has held that the permit holder suppressing the fact that he is already having a spare bus permit since 1992 issued by the Regional Transport Authority, Tiruvannamalai, fraudulently got one more spare bus permit at Kancheepuram, w.e.f., 01.11.2024 and thereafter, cancelled the spare bus permit issued in respect of vehicle TN 25/R 9393. The appellate Tribunal has set aside the order and remitted the matter back to the RTA, Kancheepuram mainly on the ground that rules of natural justice has not been followed. Challenging the same, the present revision has been filed.



3. The learned senior counsel for the petitioner submitted that though one of the ground raised is the violation of principle of natural justice, according to her, the petitioner is having one spare route bus permit issued by the Regional Transport Authority, Tiruvannamalai intended to operate on the routes Tirutani to Arni, Cheyaar to Gingee and the same cannot be operated in the Kancheepuram District. Similarly, the permit issued by the Regional Transport Authority, Kancheepuram is intended for the routes of Kancheepuram to Tindivinaam. She brought to the notice of this Court that the Rule 176 (7) of Tamil Nadu Motor Vehicles Rules, 1989 does not say that for the purpose of calculating the number of stage carriage permits held by the operator, permits issued by all the Regional Transport Authorities in Tamil Nadu shall be taken into account.

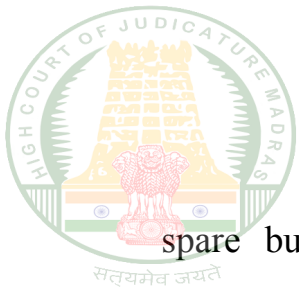
4. Her main contention is that permit has been issued by the Regional Transport Authority of the region. Even the vehicles plying in two or more regions lying within the same State, the application has to be made to the Regional Transport Authority of the region in which the major portion of the proposed route or area lies as per Section 69 of the Motor Vehicles Act, 1988. As per Section 72 (xvii), the vehicles to be kept as reserve by the holder of the permit to maintain the



operation and to provide for special occasions. Hence, it is the contention that the

very object of the spare bus is to maintain the operation and to provide for special occasions as per Section 72 (xvii) of the Motor Vehicles Act . Section 88 of the Motor Vehicles Act clearly stipulates that except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region. Hence, it is the contention that permits under Sections 69, 70 & 72 as the countersign is not required. Further, Section 96 (xi) clearly stipulates that the conditions subject to which and the extent to which, a permit granted in one region shall be valid in another region within the State without counter-signature. Therefore, the Appellate Tribunal remanding the matter on the ground of violation of principle of natural justice will not serve any purpose, since, the entire materials has been placed before the appellate authority. If proper interpretation is made by the judicial minds, the same will address the issue. Hence, seeks for allowing this revision.

5. According to the learned counsel for the respondent, as per Rule 176(7) of the Tamil Nadu Motor Vehicles Rules, 1989, the petitioner is entitled to one



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spare bus, wherein, the petitioner has two permits. Therefore, the original authority has passed the order canceling the spare bus permit issued to the revision petitioner.

6. Heard both sides and perused the materials placed on record.

7. Now, the point arises for consideration is as follows:

(i) whether remand order passed by the appellate tribunal is proper and require interference before this Court?

Point (i)

8. This Court is not going into the issue of interpreting various sections pointed out by the learned senior counsel for the petitioner, since, no findings have been recorded by the learned Appellate Tribunal. Whether the petitioner can have two spare buses for two different regions are purely a matter of interpretation on considering various provisions particularly, Sections 69, 70, 72, 72(xvii) and 96(xi) and 88(1) and Rules 176, 172, 176 (7) of the Tamil Nadu Motor Vehicles Rules, 1989. Such interpretation can be made only by the Appellate Tribunal and



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cannot leave the same to the original transport authority and leaving it to the

transport authority will not serve any purpose.

9. Therefore, this Court is of the view that the order of remand is liable to be set aside and the same stands quashed. The State Transport Appellate Tribunal is directed to pass a detailed order *de novo* considering the various provisions stated above and come to the conclusion as to whether the revision petitioner is entitled to permit for 2 spare buses within a period of three months from the date of receipt of a copy of this order.

10. Accordingly, this revision stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Speaking/non speaking order
dhk



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To,

- 1.The Regional Transport Authority, Kancheepuram
- 2.The State Transport Appellate Tribunal, Chennai
3. The Section Officer
VR Section, Madras High Court



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N. SATHISH KUMAR, J.

dhk

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