



WEB COPY



W.P.No.8348 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.8348 of 2004

T.S.Dhanasekaran

.... Petitioner

-Vs-

The State Transport Authority
Ezhilagam
Chepauk, Chennai-5.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the orders of the respondent herein made in R.No.80889/E3/2000 dated 18.3.2003 and quash the same and direct the respondent to countersign the interstate permit issued by the State Transport Authority, Hyderabad, Andhra Pradesh, in respect of the interstate route Tiruvallur to Kalahasti (via) Uthukottai, Sathiavedu and Varadhapalayam on payment of tax due to the State of Tamil nadu, enabling the petitioner to operate on the interstate route Tiruvallur to Kalahasti (via) Uthukottai, Sathiavedu and Varadhapalayam in respect of the petitioner's vehicle.

For Petitioner : Mr.M.Palani

For Respondent : Mr.N.Naveen Kumar
Government Advocate



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ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order dated 18.03.2003 passed by the respondent, State Transport Authority at Chennai and direct the said respondent to counter sign the interstate permitt issued by the State Transport Authority at Hyderabad with respect to the interstate route Tiruvallur to Kalahasthi viz Uthukottai, Sathiavedu and Varadhapalayam on payment of tax due to the State of Tamil Nadu.

2.The petitioner had intention to operate an interstate route from Tiruvallur to Kalahasthi. The bus naturally has to cut across areas of the State of Tamil Nadu and also the State of erstwhile Andhra Pradesh/present Andhra Pradesh. However, before the State was bifurcated. The headquarters of State Transport Authority was at Hyderabad. The issue relates to the year 2004. In the impugned order, it had been stated that the State Transport Authority at Hyderabad had already granted permission for four buses with 12 singles on the above route as per interstate agreement. It had been stated that subsequently the State Transport Authority at Andhra Pradesh had granted one additional vehicle to the applicant.



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3.The counter signature had not been obtained however reliance was placed on the judgment of the Hon'ble Supreme Court in Civil Appeal No.3741 of 1997 dated 28.9.1999 and Civil Appeal No.1122 of 1998 reported in 1999 (8) Supreme 279, that the order of the authority granting permit, without the route not included in ISA, should be set aside. That order of the Hon'ble Supreme Court was followed by the State Transport Authority. This Court also has to follow the order of the Hon'ble Supreme Court. It is binding. The impugned order does not suffer from any infirmity. I am not inclined to set aside the same.

4.The Writ Petition stands dismissed. No costs.

09.01.2025

Index : Yes/No
NCS : Yes/No
KP

To

The State Transport Authority
Ezhilagam
Chepauk, Chennai-5.



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C.V.KARTHIKEYAN.,J
KP

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