



W.P.No.6443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.6443 of 2023
and WMP.No.6557 of 2023

R. Natarajan

... Petitioner

Vs

The Regional Transport Authority
Dharmapuri.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent relating to order in Proceedings A3/38651/2019 dated 31.10.2022 rejecting the petitioner's application for Mini Bus permit in respect of the route “Naickanoor (Vathalmalai) to Dharmapuri Town Bus Stand” and to quash the same and consequently direct the respondent to grant the Mini bus permit as applied for by the petitioner forthwith.



W.P.No.6443 of 2023

WEB COPY

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.S.Haja Nazirudeen
Addl.Advocate General – 1
Asst.by Mr.V.Nanmaran
Addl.Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent relating to order in Proceedings A3/38651/2019 dated 31.10.2022 rejecting the petitioner's application for Mini Bus permit in respect of the route “Naickanoor (Vathalmalai) to Dharmapuri Town Bus Stand” and to quash the same and consequently direct the respondent to grant the Mini bus permit as applied for by the petitioner forthwith.

2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner had applied for a Mini bus permit on 11.10.2014 for the aforementioned route namely Naickanoor (Vathalmalai) to Dharmapuri Town Bus Stand. It has been contended that



W.P.No.6443 of 2023

the said application had been rejected on 09.11.2021 by the respondent coming to a conclusion that the said route is not fit for a Mini bus to be plied. That is a policy decision taken by the respondent.

3. The petitioner further submits that as against such rejection order, the petitioner filed W.P.No.19982 of 2022 and by an order dated 04.08.2022, the writ petition was disposed of directing the respondent to pass a fresh order in case adequate safety measures are in place on route and it was also directed that the first respondent to pass positive order.

4. Let me at this stage point out that the Court can only direct the respondent to pass an order but cannot indicate the nature of order to be passed. That is entirely within the discretion of the official who has to pass the order. Any order passed should contain reasons to justify the conclusion. It is under those circumstances, since the respondent had not taken any further decision, the petitioner, placing reliance under Section 87(1) (C) of the Motor Vehicles Act, 1988 had filed the present writ petition questioning the impugned order dated 31.10.2022.



W.P.No.6443 of 2023

WEB COPY

5. It must be kept in mind that the earlier writ petition filed by the writ petitioner in W.P.No.19982 of 2022 was also for the very same relief questioning the rejection of the petitioner's application for Mini bus permit for the route Naickanoor (Vathalmalai) to Dharmapuri Town Bus stand. No specific change in circumstances has been pointed out by the learned counsel for the petitioner.

6. In the counter affidavit filed by the respondent it had been contended that in Dharmapuri district, there are 28 new routes and 23 migration routes which had been identified. It had been contended that the determination of such routes are a policy matters of the Government. It had also been stated that G.O.(Ms.).No.338, Home Transport Department dated 13.06.2024 had been passed and a New Comprehensive Mini Bus Scheme – 2024 notification has been issued, wherein probable and viable routes have been identified, but the particular route for which the petitioner seeks permit to run the Mini bus is not one of the routes for which such permit was proposed to be



7. The learned Additional Advocate General appearing for the respondent very specifically stated that for this particular route, namely, Naickanoor (Vathalmalai) to Dharmapuri Town Bus stand, the respondent had taken a specific decision not to issue permit for Mini bus. On the other hand, the respondent had issued a permit for what they term as a Medium Passenger Vehicle run by the Tamil Nadu State Transport Corporation Ltd., Dharmapuri in respect of Bus No. TN30/N1878 having seating capacity of 36+2 totally 38. It had been therefore contended that in this particular route there is facility of bus service and therefore cannot be considered as route for which there is no service at all but has to be considered as a route which could be categorised as served sector.

8. It had been very specifically contended by the learned Additional Advocate General that permit cannot be granted for Mini bus. The petitioner therefore will have to take that fact into consideration that though he is in possession of a Mini bus, permit could not be granted to



9. The learned counsel for the petitioner stated that the State Transport Bus goes only one trip in the morning and in the evening and that in the interregnum period the petitioner could serve the local people by plying the Mini Bus if permit is granted. That again would be a policy decision of the Government and if it is found that the Bus has to ply again the permit which had been granted to the Medium Passenger Vehicle could also be extended to ply three times or four times depending on the nature of the requirements of the general public. But, since as a concept, license is not to be granted for Mini bus, the petitioner will have to accept that as a fact.

10. The petitioner placed reliance on Section 87 (1) (C) of the Motor Vehicles Act, 1988 which is as follows:-

87. Temporary permits.—(1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 80, grant permits, to be effective for a limited period which shall, not in any case exceed four months, to authorise the use of a transport vehicle temporarily



W.P.No.6443 of 2023

WEB COPY

(c) to meet a particular temporary need, or

11. This covers a situation where for a temporary need a permit could be granted. That argument is based on the inference that necessity for a bus would remain for the general public in the interregnum period between morning and evening when the State Transport Bus plies in that particular route. If that need arises, the respondent themselves can direct the State Transport bus to ply for three or four times instead of just two times and also include running of the buses in the afternoon or evening. Therefore, this provision cannot be pressed on the facts of this case, particularly since as a concept, the respondent had taken a decision not to grant permit for Mini bus in this particular route and the temporary need can be examined and addressed by the respondent themselves.

12. In the counter affidavit filed, it had also been stated that there is no urgent need to provide an additional transport to cater the need of traveling public. It had also been stated that no representation had been received from the general public for additional transport facility to be



W.P.No.6443 of 2023

WEB COPY

included namely running of the bus in the afternoon or further trips during the day time.

13. In view of all these reasons, I am not inclined to consider the request of the petitioner. However, if ever in the future in this particular route, the respondent take a policy decision to grant license either temporary or otherwise to a Mini bus, the petitioner may forward his application at that particular time.

14. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

06.01.2025

dpq
Index: Yes/No
Speaking order / Non speaking order

To

8/10



W.P.No.6443 of 2023

WEB COM The Regional Transport Authority
Dharmapuri.

C.V.KARTHIKEYAN, J.

dpq



WEB COPY



W.P.No.6443 of 2023

W.P.No.6443 of 2023
and WMP.No.6557 of 2023

06.01.2025