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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM :

THE HONOURABLE MRS.JUSTICE N.MALA

Writ Petition No.3944 of 2012 and
M.P.No.1 of 2012

S.M. Govindasamy

... Petitioner

Vs.

1. P. Murugan

2. The State Transport Appellate Tribunal,
Chennai.

3. V.K.Palanisamy

4. The Regional Transport Authority,
Erode, Gobichattipalaym

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorari calling for the records pertaining to the orders in M.V.No.46 of 2009 dated 16.12.2010 passed by the second respondent and consequential order dated 31.12.2010 in R.No.18504/B4/2005 passed by the fourth respondent and quash the same and pass orders.

For Petitioner : Mr.P. Kumaravel

For Respondent-1 :Mr.M. Palani

For Respondents 2 to 4 : Mrs. C. Meera Arumugam
Additional Government Pleader

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ORDER

This writ petition is filed by the petitioner, challenging the permission granted to the first respondent to ply the mini bus in the route Bhavani new bus stand to Siraimetanpalayam (mettur pirivu junction) via Anthiyur privu, Palaya bus stand pirivu, vaikalpam, Kalingaraypruam, Elavamali Bank, Vetnary Hospital, Manakattur privu, Moolapalayam privu, Elavamalai privu, Iyyapmpalaym privu, Virumandampalaym, Moolapalayam privu, Karai Ellapalayam, Muniappal Koil, Chinnapuliyur privu and G.D. Naidu Colony pirivu.

2.The petitioner is the Secretary of the society which is established for the purpose of promoting public welfare and awareness in various fields and registered under the Tamil Nadu Societies Act. The petitioner objected to the grant of mini bus permit to the first respondent during the year 2005 for the above said route. The petitioner's objections were not considered and the permit was granted to the first respondent. The fourth respondent issued the permit on 21.02.2006. To implement the said order, the petitioner filed W.P.No.15852 of 2006 and this Court vide order dated 24.05.2006 directed the second respondent therein to convene a conference and place the papers

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relating to the writ petition before the Regional Transport Authority, Erode for considering the same and pass orders.

3. Thereafter, the third respondent herein filed a writ petition in W.P.No.35176 of 2007 against the first respondent with a prayer not to conduct the timing conference and the same was dismissed on 21.11.2007. Against which a writ appeal was filed by the third respondent herein in W.A.No.1537 of 2007 and the same was also dismissed on 07.12.2007. Meanwhile, the third respondent herein preferred a Review Petition in R.P.No.14 of 2007 before the second respondent against the permission granted to the first respondent and stay was granted.

4. However, based on the order passed in W.P.No.15852 of 2006 dated 24.05.2006, the Secretary of the 4th respondent held timing conference on 19.12.2007. Subsequently the papers were placed before the 4th respondent on 27.12.2007. Thereafter, the 4th respondent ordered a re-survey of the route length of the served sector, which was carried out on 31.12.2007. The officials jointly inspected the route and agreed upon the



following lengths:-

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Served Sector	3.950 +0.029	3.979
Unserved Sector		13.500
Total route length		17.479

5. At this juncture to get the permit at the earliest, the first respondent herein filed W.P.No.25870 of 2008, in which an order was passed on 31.10.2008 directing the fourth respondent herein to pass appropriate final orders within a period of four weeks from the date of receipt of a copy of the order. Pursuant to this direction the fourth respondent rejected the petitioner's application on 17.12.2008. Against which the petitioner preferred a M.V Appeal No.46 of 2009. The second respondent herein heard both the said appeal and Review Petition RP.No.14 of 2007 and passed a order on 16.12.2010. In the said order, RP.No.14 of 2007 was dismissed by confirming the order of the Regional Transport Authority, Erode District, Gobichettipalayam Region, in Proc. R.No.18504/B4/2005, dated 17.12.2008 and Appeal No.46 of 2009 was allowed and the matter was remitted to the fourth respondent to take further action in the light of the observation made in W.P.Nos.15852 of 2006 and 25870 of 2008. In pursuance of the above



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order of the second respondent, the fourth respondent issued the mini bus permit to the first respondent and confirmed the earlier order dated 21.02.2006.

6. According to the petitioner, he was issued with the min bus permit on 31.12.2010 for a period of five years to ply the mini bus bearing registration No.TN33AF 188. Aggrieved by the said order of the first respondent, the petitioner has filed above said writ petition with the above said relief.

7. The first respondent filed a detailed counter, wherein, it was stated that the petitioner who is a party to the proceedings of the second respondent dated 16.12.2010 had filed this writ petition, after a lapse of 16 months. Hence, the writ petition can be dismissed on the ground of laches. The first respondent further submitted that the concerned authorities conducted inspection and satisfied that the petitioner was eligible for the permit, and thereafter, granted permission. It was further stated that there is no merits in the writ petition and the same deserves to be dismissed.

8. The third respondent filed a counter stating that he agree with the facts in the writ petition and also adopts all the grounds raised by the



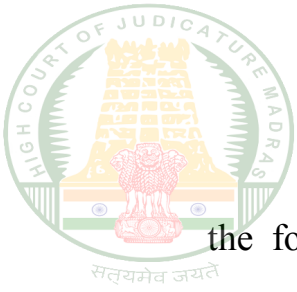
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petitioner. According to the third respondent, as per the route map produced, it is seen that the route permit for the mini bus of the first respondent is overlapping the routes of four other mini bus operators. The third respondent further states, that as per the orders passed in W.A(MD).Nos 135 and 136 of 2006, dated 02.08.2006 a route already served by mini bus is to be treated as served sector and therefore, the permission granted to the first respondent is already a served sector as four mini buses are plying with overlapping distance beyond 4 kms and for that reason also the grant of permit is not sustainable in law and prays to set aside the impugned order.

9.The fourth respondent was aware of the entire history of the case and submits that the permission was granted in accordance with law and compliance of the orders passed by this Court in various proceedings initiated by the parties.

10.The learned counsel for the petitioner raised the following four issues:

a. The learned counsel for the petitioner submits that the permission granted to the first respondent was only on the basis of the order passed by



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the fourth respondent dated 22.12.2010 and the permission was granted without conducting inspection. Hence, the permission was liable to set aside.

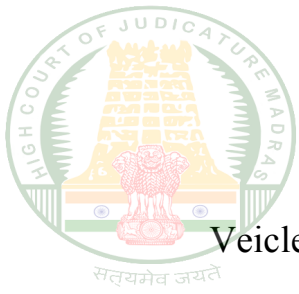
b. The learned counsel further submits that the route for which the permit was granted is already a served sector as already three mini buses were already plying in the said route and the same was not taken into consideration by the respondent.

c. The learned counsel also submits that the route was not fit for plying the mini bus.

d. The learned counsel further submits that there is variation in the route and also the bridge in the said route is not fit for mini bus operation.

For the above said reasons the said permission granted to the first respondent is liable to set aside.

11. With regard to the contention of the petitioner that the permit was granted without inspection, it is noted that in the impugned order dated 31.12.2010 it has been clearly stated that as per the order of the Regional Transport authority, the entire route was re-inspected by the then Motor



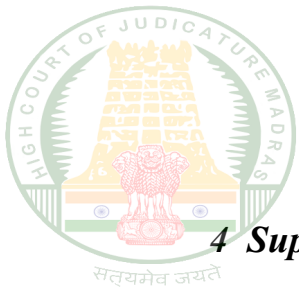
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Veicles Inspectors, Gr.I, Bhavani, along with the officials of the Bus Owners Association and the Tamil Nadu State Transport Corporation Limited. Hence, the contention of the petitioner that the permit was granted without inspection is untenable.

12. With regard to the contention of the petitioner that the sector being a served sector and the route is not fit for plying, it is submitted by the learned counsel for the first respondent there is no evidence for the said contention.

13. With regard to the variation of route, from the order passed by the 4th respondent on 21.02.2006, it is seen that there is no variation in the route. Therefore, the contention with regard to variation of route is also rejected.

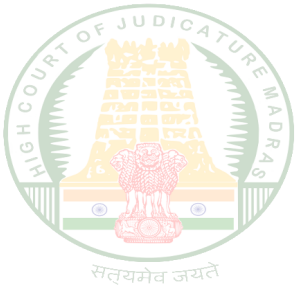
14. The learned counsel for the first respondent in reply submits that the writ petition is not maintainable as the petitioner is not an aggrieved party and not an operator for the said bus. The learned counsel also relied on the Judgment passed by the Supreme Court *in the case of [Ayaaubkhan Noorkhan Pathan Vs State of Maharashtra and others]* reported in (2013)



4 Supreme Court cases 465]. The relevant portion of the Judgment is

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9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfied the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order , etc in a Court of law. A writ petition under Article 226 of th constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the pat of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist provided that such persons satisfied the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the Courts. It is implicit in the exercise of invoking the writ jurisdiction of the Courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approached the Court for relief as regards the same .[Vide State of Orissa



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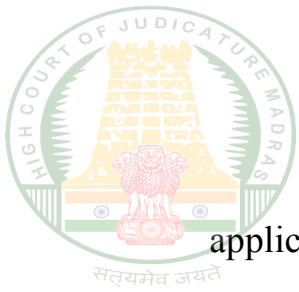
Vs Madam Gopal Rungta, Saghir Ahmad Vs State of U.P, Calcutta Gas co. (proprietary) Ltd. Vs State of W.B., Rajendra Singh V State of M.P and Tamilnadu Mercantile Bank Shareholders Welfare Assn . (2) vs. S.C. Sekar).

15. The learned counsel for the first respondent further submits that the records were assailed and the permission was not granted only on the basis of the orders passed by this Court and the orders passed by the second respondent. He further submits that the petitioner was not an aggrieved party and not an operator of the bus.

16.I have heard both the learned counsels and perused the materials placed on record.

17. It is the contention of the petitioner that the permission was granted based on the application dated 22.12.2010 without conducting the inspection and therefore, the impugned order is liable to be set aside. In support of the said contention the learned counsel relied on the second point of the reference in the impugned order wherein, it was stated that the

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application date is 22.12.2010. As rightly contented by the learned counsel for the petitioner, in the reference, it is stated that the application date is 22.12.2010. In fact it is only the date of the representation based on which the permission was granted.

18. As rightly contented by the learned counsel for the petitioner the petitioner submitted his representation on 22.12.2010 to implement the order of the second respondent dated 16.12.2010.

19. It is seen from the affidavit filed by the petitioner that the petitioner has not raised any pleading with regard to the issue that the served sector was not taken into consideration, or that the route was not fit for plying, it is only the 3rd respondent who was objecting as regards the route falls within served sector. Even otherwise, as rightly contended by the learned counsel for the petitioner, the 4th respondent, in the impugned order, has clearly recorded that the length of the served sector is 03.95 kms and the length of the unserved sector is 13.35kms.

20. As rightly contended by the learned counsel for the first respondent, the petitioner is neither an operator of a mini bus or a affected



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party and has no documents or evidence to prove his stand. The petitioner is not aware of the Judgment of the Supreme Court *in the case of Ayaaubkhan Noorkhan Pathan Vs State of Maharashtra and others reported in 4 Supreme Court cases 465*, wherein, it is clearly stated that only a person who has suffered, or suffers from a legal injury can challenge an act/action/order , etc in a Court of law.

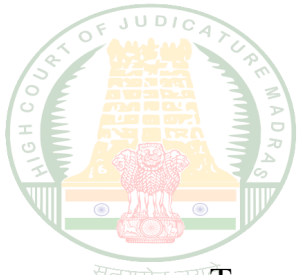
21. In the light of the above Judgment and the fact of the case, it is made clear that the issues arising in this writ petition can be settled only by way of filing the Public Interest litigation. Therefore, I find that the petitioner has no *locus standi* to challenge the permission granted to the first respondent.

22. In view of the above discussions, I find no merits in the writ petition and the same deserved to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19.06.2025

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Speaking Order : Yes/No
Neutral Citation : Yes/No

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2. The Regional Transport Authority,
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N.MALA, J.

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