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W.P.Nos.14194 & 14198 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.Nos.14194 & 14198 of 2022

S.R.Mohanakrishnan

... Petitioner
in both writ petitions

Vs

1. The Regional Transport Authority
Villupuram.

2. The Regional Transport Authority
Kallakurichi.

.... Respondents
in both writ petitions

Prayer in W.P.No.14194 of 2022: 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 1st respondent in R.No.A2/44981/2000 dated 18.10.2019 and to quash the same and further direct the respondents to forthwith issue minibus permit on the route “Arakandanallur to Paranur” to the petitioner in terms of the order of this Court dated 03.04.2009 in W.P.Nos.33387 & 33388 of 2006 directing the



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1st respondent to comply with the order of the Tribunal dated 30.06.2006 made in App.Nos.17 & 18 of 2005.

Prayer in W.P.No.14198 of 2022: 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 1st respondent in R.No.A2/36026/2000 and R.No.A2/44981/2000 dated 18.10.2019 and to quash the same and further direct the respondents to forthwith issue minibus permit on the route “Arumbakkam to Vilanthai Manalmedu” to the petitioner in terms of the order of this Court dated 03.04.2009 in W.P.Nos.33387 & 33388 of 2006 directing the 1st respondent to comply with the order of the Tribunal dated 30.06.2006 made in App.Nos.17 & 18 of 2005.

For Petitioner : Ms.S.Radha Gopalan
in both writ petitions

For Respondents : Mr.R.Ramanlal
Additional Advocate General
Asst.by Mr.S.J.Mohamed Sathik
Government Advocate
for R1 & R2
in both writ petitions

COMMON ORDER

These writ petitions have been filed for issuance of writ of



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certiorarified mandamus to call for the records of the 1st respondent in R.No.A2/44981/2000 and R.No.A2/36026/2000 dated 18.10.2019 and to quash the same and to further direct the respondents to forthwith issue minibus permit on the route “Arakandanallur to Paranur” and “Arumbakkam to Vilanthai Manalmedu” to the petitioner in terms of the order of this Court dated 03.04.2009 in W.P.Nos.33387 & 33388 of 2006 directing the 1st respondent to comply with the order of the Tribunal dated 30.06.2006 made in App.Nos.17 & 18 of 2005.

2. Both these writ petitions have been filed by the same writ petitioner seeking grant of mini bus permit which had been applied to the first respondent as early as September 2000 with respect to route “Tirukoilur to Vilanthai Manalmedu” which was subsequently modified as “Arumbakkam to Vilanthai Manalmedu” and another application to ply on the route “Arakandanallur to Paranur”. The writ petitioner sought permission to run mini bus for the aforementioned routes. Unfortunately the application kept meandering around various authorities and aggrieved by the fact that in spite of successive orders passed directing grant of mini



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bus permission for the aforementioned route subject of course to seniority of the list of application and vacancies, that orders have not been passed, the present writ petitions have been filed.

3. The matter has a long history. Originally, the authority of the first instance had granted permission to ply mini bus in the aforementioned routes. Such order was passed on both the applications. Thereafter the matter went up before the Regional Transport Authority who, for the reasons best known had remitted back the matter to the authority of the first instance. This was again taken up in appeal, again and again it was remanded. Thereafter the writ petition was filed. In the writ petition an observation was made that since the matter has attained finality the appellate authority should take a decision instead of remanding the matter again and again. The authority then took a decision stating that taking into consideration the seniority of the application and according to the vacancies available, permit would be remitted. But however the permit was still not granted. The authority then referred to a Division Bench Judgment of Madurai Bench wherein, it had been held



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that any mini bus permit should be considered as a stage carrier operator.

But it must be pointed out that Writ Appeal before Madurai Bench was with respect to a dispute between two separate operators. Quite frustrated with such dispute the Division Bench had ruled as above. In spite of that, the learned single Judge of this Court to whom this particular order was taken, had passed an order in W.P.Nos.33387 and 33388 of 2006. Taking into consideration an order passed by the Division Bench of the Madurai Bench. The learned single Judge however held as follows:-

7. Learned Government Advocate has produced the communication of the Regional Transport Authority in Letter No.A2/36026/2000 dated 08.12.2006. The Regional Transport Authority, Villupuram District in the said letter has stated that the order of the Tribunal in Appeal No.17/2005/A3 dated 25.11.2005 was received by their office only on 21.12.2006 and in the meanwhile, the Division Bench of this Court (Madurai Bench) has passed orders on 02.08.2006 in W.P.Nos.135 and 136 of 2006 taking a contra view and therefore the file is kept pending anticipating the decision of Madurai Bench of this Court with regard to mini bus permit.

8. Be that as it may, the Tribunal has passed orders dated 30.06.2006 in Appeal Nos.17 and 18/2005 after hearing the Department representative and in compliance of the orders



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passed in W.P.Nos.9937 and 9938 of 2006.

9. The orders passed in Appeal Nos.17 and 18 / 2005 being inter-party judgments, the respondent is bound to comply with the said orders. The reason stated by the respondent in his letter dated 08.12.2006 not appear to be a tenable one in view of the above said reasons.

10. In the result, the writ petition is allowed and the respondent is directed to comply with the order dated 30.06.2006 in Appeal Nos.17 & 18 /2005 passed by the Tribunal within a period of four weeks from the date of receipt of a copy of this order. In the circumstances, there will be no order as to costs.

4. It had been very specifically observed that the orders passed in Appeal Nos.17 & 18 of 2005 are inter-party judgments and the respondent is bound to comply with the said orders. The reason given for non compliance was rejected. A direction was issued to pass necessary orders within a period of four weeks from the date of receipt of a copy of the order. But as on date, nearly 8 years have been passed from the date of the said order of the learned single Judge.

5. The Tamil Nadu State Transport Corporation filed W.P.Nos.9440



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& 9441 of 2009 in the nature of the mandamus seeking a restrain against the Regional Transport Authority from implementing the said orders. There cannot be a restraint against an authority created under the statute against passing of orders. It is the duty embedded by such authority. It is the duty handed over by law to the said authority to pass orders.

6. Both these writ petitions came up for consideration before the learned single Judge who by an order dated 12.06.2009 had dismissed both the writ petitions specifically observing that there are no merits in the writ petitions.

7. Thereafter, the Tamil Nadu State Transport Corporation again filed W.P.Nos.12152 & 12153 of 2009 in the nature of certiorarified mandamus questioning the orders passed in Appeal Nos.17 & 18 of 2005. It must be kept in mind when these writ petitions were filed there was already an order of a learned single Judge directing that the said orders in the appeal must be complied with. Earlier writ petition filed by the Tamil Nadu State Transport Corporation had been dismissed by yet another



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learned single Judge. In spite of that the said writ petitions came to be filed. These two writ petitions came up for consideration before a learned single Judge, who, by order dated 02.07.2019, dismissed the writ petitions. It would only have been appropriate have the respondents complied with the directions. The respondents then thereafter passed an order again citing the Division Bench judgment of the Madurai Bench in W.A(MD).Nos.135 to 136 of 2006 dated 02.08.2006. It must again be reiterated that the said orders of the Madurai Bench had been brought to the notice of the learned single Judge who had directed compliance of the order in the year 2006. Therefore, the respondents have no other option but to direct compliance of the said order.

8. It is contented on behalf of the petitioner that Villupuram district have now been bifurcated and the area within which the petitioner falls now, one comes under Villupuram district and the other Kallakurichi district. The route in W.P.No.14194 of 2022 comes under Kallakurichi district and the route in W.P.No.14198 of 2022 comes under Villupuram district. Be that as it may, the rank of seniority would now have re-written



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and if the petitioner is eligible, a direction is issued that the respondents must comply with the directions of the Court. The respondents are quite fortunate that the writ petitioner had taken an avenue to file writ petition rather than filing a contempt petition questioning the respondents as to why they have not complied with the directions issued earlier. Both these writ petitions have been filed to grant mini bus permit for the routes as mentioned to the writ petitioner. A direction is given that such permission must be granted in accordance with seniority now examined separately for Villupuram and Kallakurichi districts and if it is found that the petitioner comes within the zone of seniority to issue the same within a period of three weeks from the date of receipt of a copy of the order.

9. Accordingly, these writ petitions are allowed. No costs.

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

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To

1. The Regional Transport Authority
Villupuram.
2. The Regional Transport Authority
Kallakurichi.

C.V.KARTHIKEYAN, J.

dpq

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