

WP.No.18184/2025 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Reserved on 11.07.2025

Delivered on 25.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP.Nos.18184, 18175, 20108, 22938, 22947, 22952, 22966, 23549, 23553,
23555, 23556, 23558, 23560, 23718, 24232, 25089, 25092, 25454, 25457, 25461,
25462, 25535, 25536, 25748, 25749, 26299 & 26301/2025

&

WMP.Nos.20367, 20359, 20364, 22686, 25797, 25798, 25781, 25785, 25801,
25802, 26442, 26455, 26456, 26451, 26459, 26446, 28266, 28270, 28612,
28613, 28616, 28617, 28711, 28712, 28945, 28947, 29603 & 29607/2025

WP.No.18184/2025:-

The Federation of Bus Operators Association
 of Tamil Nadu, rep.by its Secretary
 6, Bishop Wallers Avenue [East]
 Chennai 600 004.

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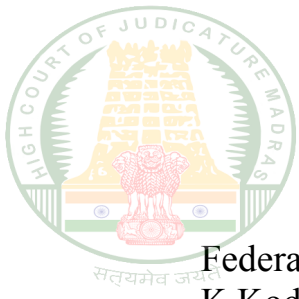
Petitioner

Versus

1.The State of Tamil Nadu
 rep.by the Secretary to Government
 Home [Transport I] Department
 Fort Saint George,
 Chennai 600 009.

2.The Transport Commissioner,
 Guindy, Chennai 600 032.

3.M/s.Tamil Nadu Mini Bus Owners



WP.No.18184/2025 etc., batch

Federation, rep.by its President
K.Kodiyarasan, No.26/1, Ratha Nagar
Teynampet, Chennai 600 018.

****R3 impleaded vide order dated 05.06.2025
made in WMP.No.22520/2025 in WP.No.18184/2025**

4.Coimbatore District Mini Bus Owners Welfare
Association, rep.by its President
MR.G.Vijayakumar, S/O.K.Gurusamy
Having Office at No.14/1, Mariamman Koil
Street, Anjanur, Verakeralam, Coimbatore 641007.

****R4 impleaded vide order dated 05.06.2025
made in WMP.No.22557/2025 in WP.No.18184/2025**

- 5.R.Rajeswari.
- 6.Santhi Kanthasamy
- 7.R.K.Navaneethan
- 8.Geetha Murugesan
- 9.K.Rajavel
- 10.S.Nivetha
- 11.A.S.SAthiyaraj
- 12.S.R.Mohanakrishnan
- 13.A.RAmachandran
- 14.R.Naveenbabu
- 15.M.Lakshmi Priya
- 16.A.K.T.Mahendran
- 17.T.M.Rajendran
- 18.K.Lokesh

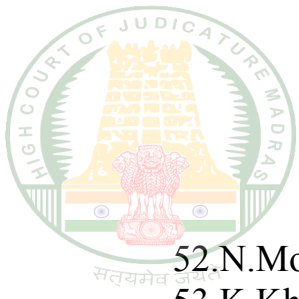
****RR 5 to 18 impleaded vide order dated 05.06.2025
made in WMP.No.22763/2025 in WP.No.18184/2025**

19.Tvl.Sirajudeen Shiek Abdul Kadhar



WP.No.18184/2025 etc., batch

- 20.R.Jegajeevanram
21.Muthukumar
22.Tvl.Sulika Banu
23.Tmt.Kamila Jamal Kaja Mohaideen
24.Tvl.Anbu Selva Pandiyan
25.L.Raja Mohammed
26.S.Gunasekaran
27.Nisha Begum Sirajudeen
28.M.Vahidha Rani
29.Kaja Bakrudeen
30.R.Vasantha
31.R.Ramajeyam
32.H.Mohammed Khansha
33.S.Kaja Mohideen
34.Tmt.B.Gomathi
35.R.Arivuselvam
36.Indulakshmi
37.D.Srinivasan
38.Tmt.Jothimani
39.Abbas
40.T.Thirupathy
41.Madurai Ramnad Transport Service Firm
Kaja Najumdeen Samsudeen, S/o.Samsudeen
No.8A, New Natham Road, Hussain Mahal
MRT Bungalow, Tallakulam, Madurai 625 002.
42.G.Angaykanni
43.Dhivya
44.Mohamed Rifahath
45.M.Sufia Fatima
46.Pandi Ramalingam
47.M.Nirmal Kumar
48.J.Mideen Gani
49.M.Nagoor Raja
50.V.Sounthar
51.Tvl.Naina Mohamed



WP.No.18184/2025 etc., batch

52.N.Mohamed Ashik

53.K.Khadar Beevi

54.Tvl.Syed

55.Vst.Pl.Chidambaram

.. Respondents

****RR19 to 55 impleaded vide order dated 11.06.2025
made in WMP.No.23280/2025 in WP.No.18184/2025**

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport – I] Department, dated 28.04.2025 and quash the same.

For Petitioner	:	Mr.M.Palani
For R1,R2	:	Mr.P.S.Raman, Advocate General assisted by Mr.E.Veda Bhagat Singh, Spl.GP & Mr.M.Alagu Goutham, GA
For R3	:	Mr.T.Padmanabhan
For R4	:	Mr.H.Rajasekar
For R5 to R18	:	Mrs.S.Radha Gopalan, for M/s.Bhargavi Gopalan
For R19 to R55	:	Mr.A.C.Asaithambi

WP.No.18175/2025:-

Erode District Bus Owners Association
rep.by its President, "Bus Mahal",
No.37, Annamalai Layout
Mettur Road, Erode 638 001.

.. Petitioner

Versus



WP.No.18184/2025 etc., batch

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.T.N.Rajagopalan
For Respondents : Mr.P.S.Raman, Advocate General
assisted by
Mr.E.Veda Bhagat Singh, Spl.GP

WP.No.20108/2025:-

K.Shivashanmugam

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Regional Transport Authority
cum District Collector, Tiruppur District.



WP.No.18184/2025 etc., batch

3.The Transport Commissioner
Guindy, Chennai 600 032.

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4.R.Ravikumar

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and the consequential Notifications issued by the 2nd respondent vide Na.Ka.No.3950/2025/[A-2] dated 05.02.2025, 17.02.2025, 21.02.2025, 15.03.2025, 25.03.2025 and 16.04.2025 pertaining to Tiruppur District and quash the same.

For Petitioner	:	Mr.R.Srinivasalu
For RR 1 to 3	:	Mr.P.S.Raman, Advocate General assisted by Mrs.C.Meera Arumugam, AGP

WP.No.22938/2025:-

P.Vivekanandhan

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.



WP.No.18184/2025 etc., batch

3.The Regional Transport Authority
Erode District, Erode.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General
assisted by
Mrs.C.Meera Arumugam,AGP

WP.No.22947/2025:-

K.Jeganathan

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Perambalur District, Perambalur.

.. Respondents



WP.No.18184/2025 etc., batch

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted by Mr.V.Manoharan, AGP

WP.No.22952/2025:-

S.Abdul Hakeem

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Perambalur District, Perambalur.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated



WP.No.18184/2025 etc., batch

28.04.2025 and quash the same.

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For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.V.Manoharan, AGP

WP.No.22966/2025:-

Kumar T.S.

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Erode District, Erode.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.V.Manoharan, AGP



WP.No.18184/2025 etc., batch

WP.No.23549/2025:-

R.S.Nandhini

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Salem District, Salem.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

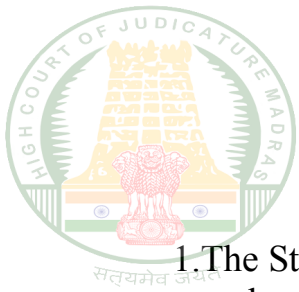
For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.M.Shajakhan, Spl.GP

WP.No.23556/2025:-

S.Mani

.. Petitioner

Versus



WP.No.18184/2025 etc., batch

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Salem District, Salem.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.M.Shajakhan, Spl.GP

WP.No.23558/2025:-

M.Helenchitra

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.



WP.No.18184/2025 etc., batch

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Salem District, Salem.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.M.Shajakhan, Spl.GP

WP.No.23555/2025:-

S.Saravanan

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Salem District, Salem.

.. Respondents



WP.No.18184/2025 etc., batch

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.M.Shajakhan, Spl.GP

WP.No.23560/2025:-

Minor Selvi S.Kothai Srinithi
rep.by her Father and Natural Guardina
Nr.V.Sriram

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Salem District, Salem.

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India



WP.No.18184/2025 etc., batch

praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani
For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.M.Shajakhan, Spl.GP

WP.No.23553/2025:-

P.Varatharajan

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Salem District, Salem.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani



WP.No.18184/2025 etc., batch

For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mr.M.Shajakhan, Spl.GP

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WP.No.23718/2025:-

P.Rajamani

.. Petitioner

Versus

The Regional Transport Authority
O/o.The District Collector
Krishnagiri District, Krishnagiri.

.. Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to hear the petitioner's objections by providing personal hearing while at the time of hearing in respect of their notification No.4 of 2025, dated 03.04.2025, for Krishnagiri District in reference with New Comprehensive Mini Bus Scheme G.O.Ms.No.33, Home [Transport I] Department, dated 24.01.2025 forthwith petitioner's objection dated 02.06.2025.

For Petitioner : Mr.G.Jagatharaj

For Respondent : Mr.P.S.Raman, Advocate General assisted
by Mrs.C.Meera Arumugam,AGP

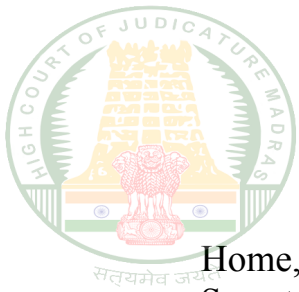
WP.No.24232/2025:-

M.Raghumaran

.. Petitioner

Versus

1.The Addl.Chief Secretary to Government



WP.No.18184/2025 etc., batch

Home, Prohibition & Excise Department
Secretariat, Chennai.

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2.The State Transport Secretary
O/o.The State Transports
Ezhilagam, Chennai.

3.The Transport Commissioner
O/o.The Transport Department
Secretariat, Chennai.

4.The Regional Transport Authority
Regional Transport Office, Thiruvavarur.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the representation of the petitioner dated 25.04.2025.

For Petitioner : Mr.R.Krishnamurthi

For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mrs.C.Meera Arumugam,AGP

WP.No.25089/2025:-

M.Baskar

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government



WP.No.18184/2025 etc., batch

Home [Transport I] Department
Fort St. George, Chennai 600 009.

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2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mrs.P.Vijayadevi, GA

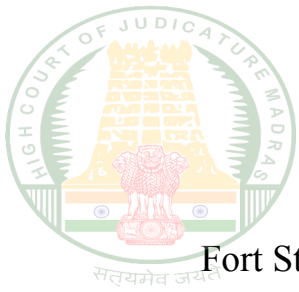
WP.No.25092/2025:-

C.Perumal

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department



WP.No.18184/2025 etc., batch

Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mrs.P.Vijayadevi, GA

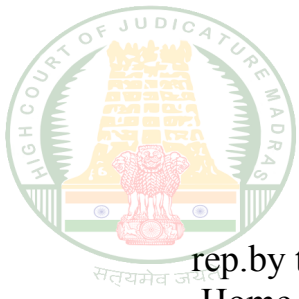
WP.No.25454/2025:-

M/s.Manimekalai Transports
No.A8, 6th Cross Street, Anna Nagar
Thennur, Tiruchirappalli 620017.

.. Petitioner

Versus

1.The State of Tamil Nadu



WP.No.18184/2025 etc., batch

rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.P.S.Raman, Advocate General assisted
by Mrs.C.Meera Arumugam,AGP

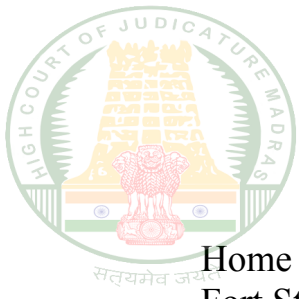
WP.No.25457/2025:-

K.Viswanth

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government



WP.No.18184/2025 etc., batch

Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.V.Manoharan,AGP

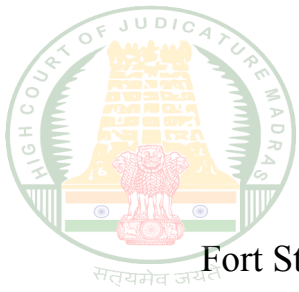
WP.No.25461/2025:-

G.Shivagamasundari

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department



WP.No.18184/2025 etc., batch

Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.V.Manoharan,AGP

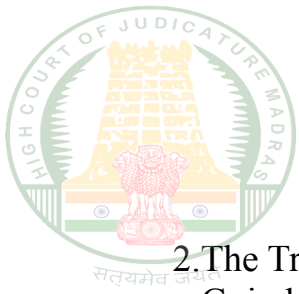
WP.No.25462/2025:-

J.Sridevi

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.



WP.No.18184/2025 etc., batch

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mrs.P.Vijayadevi,GA

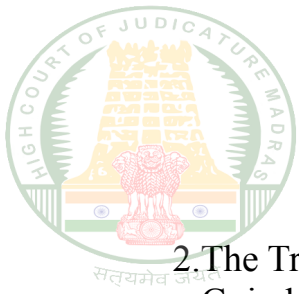
WP.No.25535/2025:-

Kathiravan Roadways [Firm]
rep.by its Partner R.Sathiya Prabu

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.



WP.No.18184/2025 etc., batch

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.M.Shajakhan, Spl.GP

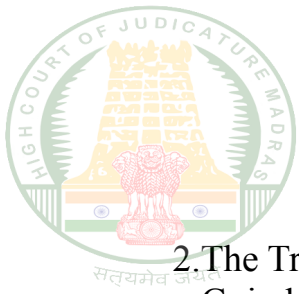
WP.No.25536/2025:-

S.Komathisri

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.



WP.No.18184/2025 etc., batch

2.The Transport Commissioner
Guindy, Chennai 600 032.

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.M.Shajakhan, Spl.GP

WP.No.25748/2025:-

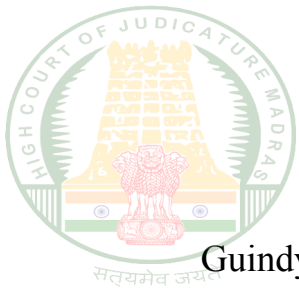
C.Thenappan

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner



WP.No.18184/2025 etc., batch

Guindy, Chennai 600 032.

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3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.M.Shajakhan, Spl.GP

WP.No.25749/2025:-

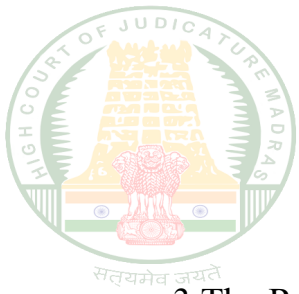
R.Tamilmani

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.



WP.No.18184/2025 etc., batch

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.M.Shajakhan, Spl.GP

WP.No.26299/2025:-

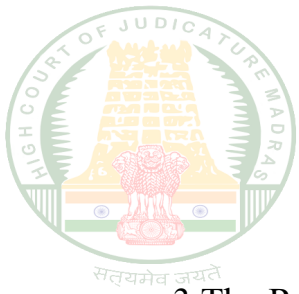
R.Vijayan

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.



WP.No.18184/2025 etc., batch

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.M.Shajakhan, Spl.GP

WP.No.26301/2025:-

L.Kaveri Meenal

.. Petitioner

Versus

1.The State of Tamil Nadu
rep.by the Addl.Chief Secretary to Government
Home [Transport I] Department
Fort St. George, Chennai 600 009.

2.The Transport Commissioner
Guindy, Chennai 600 032.



WP.No.18184/2025 etc., batch

3.The Regional Transport Authority
Tiruchirappalli District,
Tiruchirappalli.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the 1st respondent made in G.O.Ms.No.198, Home [Transport I] Department, dated 28.04.2025 and quash the same.

For Petitioner : Mr.M.Palani

For Respondents : Mr.M.Shajakhan, Spl.GP

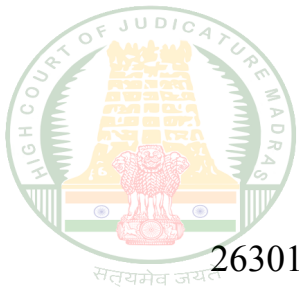
COMMON ORDER

"A developed country isn't a place where the poor have cars. Its where the rich use the public transportation."

Gustavo Petro

(1)With the consent of the learned counsels on either side, the writ petitions are taken up for final disposal. Since the facts and issues involved in all the above writ petitions, are one and the same, the writ petitions are disposed of by this common order.

(2)WP.Nos.18184, 18175, 25454, 25457, 25461, 25462, 25535, 25536, 26299,



WP.No.18184/2025 etc., batch

26301, 25748, 25749, 23549, 23553, 23555, 23556, 23558, 23560, 25089, 22947, 22952, 22966 and 22938/2025 are filed for a certiorari to quash the impugned order of the 1st respondent dated 28.04.2025 in G.O.Ms.No.198, Home [Transport-I] Department.

(3) In WP.No.20108/2025, the petitioner also prayed for quashing of the consequential orders passed by the 2nd respondent dated 05.02.2025, 17.02.2025, 21.02.2025, 15.03.2025, 25.03.2025 and 16.04.2025 respectively, in pursuance of the impugned order passed by the 1st respondent in G.O.Ms.No.198, dated 28.04.2025.

(4) WP.No.24232/2025 is filed for a mandamus directing the respondents to consider the representation of the petitioner dated 25.04.2025.

(5) WP.No.23718/2025 is filed for a mandamus directing the respondent to hear the petitioner's objections by providing personal hearing while at the time of hearing in respect of their notification No.4 of 2025, dated 03.04.2025, for Krishnagiri District in reference with New Comprehensive Mini Bus Scheme G.O.Ms.No.33, Home [Transport I] Department, dated 24.01.2025 forthwith petitioner's objection dated 02.06.2025.

(6) As a prologue, it is important to mention that 23 writ petitions, in all, have been filed challenging the impugned Government Order. Learned counsels for



WP.No.18184/2025 etc., batch

the petitioners as well as the respondents concede that the prayer in all the writ petitions are identical. Common arguments were addressed across the Bar and it was submitted that as the relief prayed for in all the writ petitions, was identical, it would suffice to refer to the facts narrated in one of the writ petitions as a lead case, with corresponding reference to the counters therein.

(7) In view of the aforesaid submissions, the facts in WP.No.18184/2025 filed by the Federation of Bus Operators Association of Tamil Nadu, is taken as the lead case and the facts as set out in the said writ petition are narrated.

(8) The petitioner submits that there are about 2000 private operators in the State of Tamil Nadu, having about 4000 stage carriage permits in various parts of Tamil Nadu. The petitioner submits that there are 400 approved Schemes, nationalizing various routes in the State of Tamil Nadu under Section 68D of the old Motor Vehicles Act, 1939 and such Schemes were approved and published between 1960 and 1977. The petitioner further submits that in the judgment reported in ***1987 [2] SCC 47 [Pandiyam Roadways Corporation Ltd Vs. M.A.Egappan]***, the Hon'ble Supreme Court, while considering one such Scheme in respect of the route from Madurai to Kumuli, held as follows:-

"5. In view of the above observation we have to hold



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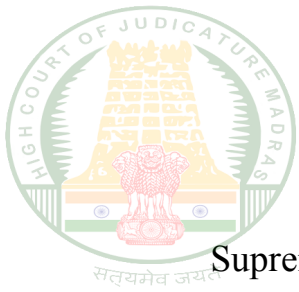


WP.No.18184/2025 etc., batch

that in the instant case the respondent is not entitled to operate his stage carriage on the notified route or a portion thereof even though he may have been granted variation of his permit to operate on a sector of the notified route.

6. We do not agree with the contention urged on behalf of the respondent that on a true construction of the scheme only persons who are operating their stage carriages under permits issued in respect of the entire route from Madurai to Kumuli alone have been excluded under the approved scheme and not those who are operating between any two places on the notified route or between any place lying outside the notified route and a place on the notified route even though they may be operating on a portion of the notified route. We are firmly of the view that on the entire notified route between Madurai and Kumuli or any part thereof apart from the State Transport Undertaking no person other than those mentioned in Annexure II to the approved scheme can operate a stage carriage service. We, therefore, direct the respondent not to operate his stage carriage on the sector in respect of which he has obtained the variation of his permit."

(9)The petitioner submits that since the said judgment affected all operators under the Scheme, the Government, to neutralize the judgment of the Hon'ble



WP.No.18184/2025 etc., batch

Supreme Court, brought about a legislation known as "The Tamil Nadu Motor Vehicles [Special Provisions] Act, 1992" popularly known as "Act 41/1992".

Under the said enactment, the permits renewed between 04.06.1976 and 30.06.1990, were validated notwithstanding anything inconsistent contained in the approved Scheme. The petitioner submits that in terms of Section 6 of the said Act, the permits that were granted by the State were renewable and variations of permit conditions could also be granted. According to the petitioner, Section 6[4] of the said Act, prohibited grant of new permits on any part of the notified route. However, in 1995, the Government of Tamil nadu formulated an "Area Approved Scheme" for each District for the entire State of Tamil Nadu, under which the following permits were permitted to operate:-

- a) *The permits of S.T.U.s of other States ;*
- b) *The existing permits of small operators saved under the Tamil Nadu Motor Vehicles Special Provisions Act, 1992.*
- c) *Permits of Stage Carriage Operators covered by the inter-State Agreement.*

(10)The petitioner submits that to cater to the needs of the unserved rural area, the Government of Tamil Nadu modified the Area Approved Scheme dated 24.05.1995, under the Modified Area Approved Scheme dated 04.09.1997. The



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said Scheme was challenged before this Court in a batch of writ petitions in WP.No.12476/1998 etc., and the same was struck down by this Court.

Aggrieved by the same, the State preferred writ appeals in WA.No.168/1999 etc., batch and pending appeals, the Government again modified the Area Approved Scheme under a Government Order dated 17.11.1999, enabling the transport authorities to grant mini bus permit for a maximum distance of 20 Kms., out of which 4 Kms could be unserved sector. Therefore, the writ appeals were dismissed. The 1999 Scheme was challenged before this Court in WP.No.19067 to 19069/1999 etc., batch and this Court, vide order dated 20.07.2020, dismissed the writ petitions. Aggrieved by the same, WA.Nos.1290 to 1298/2000 were preferred. The petitioner submits that during the pendency of the appeals, the Government once again modified the said Area Approved Scheme which was District-wise Comprehensive Modified Area Approved Scheme for the entire State of Tamil Nadu. The Scheme was published in the Gazette on 23.02.2011.

(11)The petitioner submits that in view of the Scheme dated 23.02.2011, the writ appeals in WA.Nos.1290 to 1298/2000 which came up for hearing, were disposed of vide judgment dated 11.04.2011, with liberty to the appellants



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therein to raise all issues in the subsequent Scheme. The petitioner further submits that the Scheme dated 23.02.2011, was challenged before this Court in WP.[MD].No.2893/2011, on the ground that the Scheme did not consider the objections raised by the petitioner therein and also no reasons were assigned for overruling the objections while approving the Scheme. It was therefore stated that the Scheme was in violation of the judgment of the Apex Court reported in ***2015 [4] SCC 515 [B.A.Linga Reddy and Others Vs. Karnataka State Transport Authority and Others]***. The said writ petition was allowed by the Madurai Bench of this Court and the order made in the writ petition was challenged before the Division Bench in WA.[MD].No.13/2020, which came to be dismissed on 07.01.2020. The petitioner submits that in WP.[MD].No.2893/2011, the Madurai Bench, vide order dated 18.04.2018, directed the 1st respondent to re-do the exercise. Thereafter, there was a gap of four years and on 14.06.2024, the Government published a proposal under Section 99 of the Motor Vehicles Act, 1988, [hereinafter referred to as "the Act"] for the purpose of granting mini bus permit to private operators by the Transport Authorities. The petitioner and the other individual operators filed objections to the Notification and the 1st respondent, after conducting hearing



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on 22.07.2024, overruled the objections and approved the Scheme under Section 100 of the Act. The said Scheme was later notified in the Gazette on 24.01.2025. The Scheme dated 24.01.2025, was again challenged by the petitioners before this Court in WP.No.6198/2025 and this Court, after hearing the learned counsels on either side, decided that the impugned Scheme was hit by the decision of the Apex Court in ***B.A.Linga Reddy's case [cited supra]*** and therefore, suggested that the respondents should either withdraw the Scheme and publish a new Scheme or to defer the Scheme till July, 2025, due to paucity of time, to hear the writ petitions. When the matter was taken up on 22.04.2025, the State took time for instructions. The matter was again listed on 25.04.2025, and on that day, the learned Advocate General submitted that the respondents were going to withdraw the Scheme. Hence, the matter was adjourned to 29.04.2025. On the said date, the learned Advocate General produced the impugned Government Order, namely, G.O.Ms.No.198, Home [Transport-I] Department, dated 28.04.2025. Aggrieved by the aforesaid Government Order, the above writ petitions are filed.

(12)The 1st respondent filed a detailed counter largely reiterating the litigation history already outlined in the writ petition. Only a summary of the 1st



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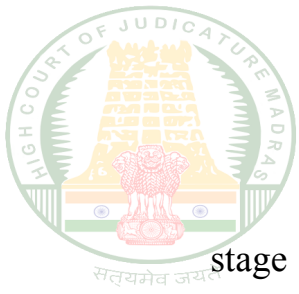
respondent's counter is recorded, as the legal submissions have been addressed in the discussion of the issues. The 1st respondent raised the issue of maintainability and the locus standi of the writ petitioner to file the writ petition. The 1st respondent stated that the Government of Tamil Nadu, under sub-section [2] of Section 99 of the Act, 1988, had approved the 'Approved Schemes of District-wise Area Scheme' of State Transport Undertaking in respect of Stage carriages vide G.O.Ms.No.741 to 760, Home [Transport III] Department, dated 23.05.1995 and published the same in the Gazette on 24.05.1995, notifying the complete exclusion of other persons other than the State Transport Undertakings of other State and the existing permits of small operators protected under the Act 41/1992 and also the permits of stage carriage operators operating on inter-State routes, whose permits were covered by the inter-State Agreement.

(13)The 1st respondent stated that thereafter the Government invoking sub-section [2] of Sections 100 and 102 of the Act, notified the "Approval of Modification of the District-wise Approved Area Schemes 1997" vide G.O.Ms.Nos.128 to 1268, Home [Transport III] Department, dated 01.09.1997 and published it in the Government Gazette on 01.09.1997, notifying the complete exclusion of



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other persons, other than the State Transport Undertakings of other States, the existing permits of small operators protected under the Act 41/1992, the permits of stage carriage operators operating on inter-State routes and the permits of mini bus operators, operating on the routes lying in the unserved rural areas upto such distance as would be ordered by the Government from time to time. On 07.10.1997, the Government of Tamil Nadu, vide G.O.Ms.No.1475, Home [Transport-III] Department, permitted the private operators of the mini buses to serve the unserved rural areas with a condition that such permits were to be limited to a maximum limit of 16 Kms with an overlapping distance of 1 Km., in the Approved Scheme routes wherever necessary. The 1st respondent further stated that the Government, in exercise of powers under sub-section [1] of Section 102 of the MV Act, notified the 'Approved Modified [District-wise] Area schemes 1999' in G.O.Ms.Nos.1523 to 1549, Home [Transport-III] Department, dated 17.11.1999, notifying the exclusion of other persons other than the STUs of other States, the existing permits of small operators protected under the Act 41/1992, the permits of stage carriage operators covered by the inter-State Agreements and the permits of mini bus operators to operate in the rural areas of the District, where no



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stage carriage services were provided upto a route length not exceeding 20 Kms with an overlapping distance not exceeding 4 Kms, on the route where stage carriages are operating. Thereafter, exercising powers under Sections 100 and 102 of the Act, the Government formulated a new Comprehensive Scheme 2011, for the Modification of the Approved Modified Area Scheme, 1999 vide G.O.Ms.No.136, of the very same Department, dated 23.02.2011, notifying the complete exclusion of persons, other than the State Transport Undertakings of other States, the existing permits of small operators protected under Act 41/1992, the permits of the stage carriage operators covered by the inter-State Agreements and the permits of the mini bus operators to operate on the mini bus routes to be formulated by the Regional Transport Authorities under the powers conferred under clause [ca] of sub-section [3] of Section 68 of the said Act.

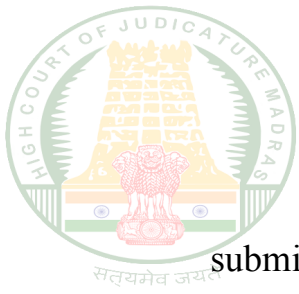
(14)The 1st respondent stated that aggrieved by the Comprehensive Scheme 2011, a writ petition was filed before the Madurai Bench of this Court in WP.[MD].No.2893/2011, and this Court set aside the Scheme on the ground that the authority who had not heard the objectors, had passed the order and therefore, directed the respondents to re-do the exercise. According to the 1st



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respondent, the Government prepared the Comprehensive Single Scheme for the entire State of Tamil Nadu and notified a new Comprehensive Scheme 2024, in G.O.Ms.No.338, Home [Transport-I] Department, dated 13.06.2024 and published the same in the Government Gazette on 14.06.2024. The respondents stated that a public hearing was conducted on 22.07.2024, with regard to the publication of the Draft Notification of the New Comprehensive Mini Bus Scheme 2024, wherein suggestions / objections were raised by various stakeholders and which were considered by the Additional Chief Secretary, of the Home Department and thereafter, the Government approved the New Comprehensive Scheme 2024 in G.O.Ms.No.33, Home [Transport I] Department, dated 23.01.2025 and published the same in the Government Gazette Extraordinary No.37, dated 24.01.2025.

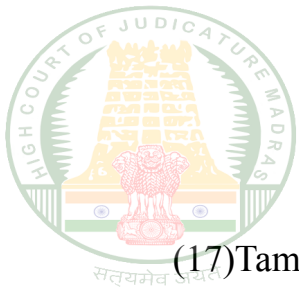
(15)The 1st respondent stated that however, the said Government Order was withdrawn by the Government and a revised Government Order in G.O.Ms.No.198, dated 28.04.2025, was published in the Government Gazette No.198, dated 28.04.2025. Aggrieved by the said Government Order, the petitioners filed the above writ petitions. The respondents referred to various provisions of the Act, and the Tamil Nadu Government Business Rules and



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submitted that the 1st respondent had left no stone unturned in formulating and approving the Scheme for the benefit of the public residing in remote hamlets, where it was still a rarity to hear the engine sound of a bus. The respondents furnished the details of the Mini Buses' District-wise Routes Status Report as on 04.06.2025, along with the counter. The respondents stated that the Government had contacted the District Collectors, Regional Transport Authorities to identify Mini Bus Routes to provide transportation to the rural people of the villages, where no transportation services were available connecting them to Towns/Cities. The Government further directed them to identify mini bus routes so as to maintain the ratio of 65:35 of unserved and served routes respectively, subject to the maximum of 25 Kms. The respondents further stated that the Scheme which was to roll out from 15.06.2025, was public friendly and particularly, for the people residing in the remote corners of the State where there was no opportunity to even smell the diesel and hear the sound of bus engine. The 1st respondent for the aforesaid reasons, stated that the writ petition deserved to be dismissed.

(16) Four sets of impleading petitions were filed in WP.No.18184/2025, viz., WMP.Nos.22520/2025, 22557/2025, 22763/2025 and 23280/2025.



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(17) Tamil Nadu Mini Bus Owners' Federation, was implead as the 3rd respondent in WP.No.18184/2025, vide order of this Court dated 05.06.2025 in WMP.No.22520/2025. The 3rd respondent, though not filed a counter, stated in the implead affidavit that the Federation had more than 2950 members and they were operating private mini stage carriages. The 3rd respondent further stated that its Members were operating vehicles in the respective routes strictly adhering the mandatory provisions, Area Schemes, conditions, guidelines and Rules issued by the respondents 1 and 2 periodically. The 3rd respondent reiterated the facts leading to the impugned Government Order and prayed for dismissal of WP.No.18184/2025.

(18) Coimbatore District Mini Bus Owners Welfare Association, was impleaded as the 4th respondent in WP.No.18184/2025 vide order of this Court dated 05.06.2025 made in WMP.No.22557/2025. They in the impleading petition stated that the Association members were operating 110 buses in Coimbatore District and 3000 mini bus service throughout Tamil Nadu by obtaining mini bus permits. They further stated that the Scheme impugned in the writ petition was for the welfare of the general public residing in remote villages where no sufficient transport facilities were available. It was further stated that the writ



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petition was filed with mala fide intention since the writ petitioner was in no way affected by the impugned Government Order. The 4th respondent also did not file any counter affidavit.

(19)The respondents 5 to 18, who were impleaded in WMP.No.22763/2025, filed a counter affidavit. The respondents 5 to 18, apart from refuting the submissions of the petitioners on the basis of the various provisions of the Motor Vehicles Act, further submitted that when similar contentions that the impugned Scheme was against the letter and spirit of the Tamil Nadu Act 41/1992, were raised in earlier round of litigation, this Court had held that the bar imposed under Section 6[4] of the Act 41/1992, did not prevent the Government from modifying the Scheme. The respondents 5 to 18 submitted that the Act 41/1992, was introduced to validate the permits granted during the period between 04.06.1976 and 30.06.1990 and that, even under the present Scheme, the operators who were protected under the Act 41/1992, were saved under the exclusion clause. The respondents 5 to 18 further submitted that the Government had every right to save the mini bus operators like the respondents 5 to 18, since the Mini bus operators had spent huge amounts in purchasing the vehicles and if they were not saved, the operators would suffer heavy loss and



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hardship. The respondents 5 to 18 therefore prayed for dismissal of the writ petitions.

(20)The respondents 19 to 55, who were impleaded by this Court vide order dated 05.06.2025, in WMP.No.23280/2025, supported the impugned Government Order passed by the 1st respondent. The respondents 19 to 55 stated that they were granted permits on the Approved Scheme and they invested huge amounts for purchasing vehicles and that, any adverse decision in the writ petition, would seriously affect them.

(21)Heard learned counsels on either side and perused the materials placed on record.

(22)At the outset, it is clarified that the learned counsel for the petitioner filed three voluminous typed set of papers containing several judgments, while the learned counsel for the respondents 5 to 18 filed one typed set of judgments. In addition to the judgments, included in these typed sets, certain other judgments were also circulated. All the judgments have been duly scanned and perused. However, to avoid prolixity, I have referred only to those judgments which, in my view, are relevant for deciding the issues at hand. This clarification is issued to dispel any apprehension that this Court has not



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bestowed due attention to the other judgments, which have not been specifically referred to.

(23) Before venturing into the merits of the case, the preliminary objections raised by Sri.N.L.Rajah, learned Senior Advocate and Mrs.S.Radha Gopalan, learned counsel, on **the maintainability of the writ petitions**, is taken up for consideration, as the issue of maintainability goes to the root of the matter.

(24) Sri.N.L.Rajah, learned Senior counsel submitted that the writ petition at the instance of the petitioner registered Association, is not maintainable and in support of the said submission, the learned Senior counsel relied on the judgment of this Court in ***WP.No.10465/2000 [Tamil Nadu Survey Officers Union [Central] rep.by its General Secretary, Tiruvannamalai Vs. The Government of Tamil Nadu rep.by the Additional Chief Secretary to Government, Revenue & Disaster Management Department, Fort St George, Chennai and Others]*** The learned Senior Counsel further submitted that the writ petition under the Madras High Court Writ Rules, 2021, could be heard only by a Division Bench of this Court and in support of the said submission, relied on the judgment reported in ***2023 SCC Online Mad 7457 [Secretary, Madras Bar Association Vs. Elephant G.Rajendran and Others]***.

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WP.No.18184/2025 etc., batch

(25) Mrs. S. Radha Gopalan, learned counsel appearing for the impleaded respondents 5 to 18 in WP.No.18184/2025 submitted that the petitioners were not aggrieved parties and hence they had no locus standi to file the writ petitions. The learned counsel submitted that the petitioners had not made out any grievance much less legal grievance to challenge the Scheme. The learned counsel further submitted that under Section 99 of the MV Act, the Government had formulated the Scheme on the basis of its opinion that the Scheme would provide efficient, adequate, economical and properly coordinated transport services in public interest, however, the petitioners had nowhere in the affidavit, challenged the Scheme that it was not efficient, adequate, economical and properly coordinated and therefore, the writ petitions deserved to be dismissed as not maintainable.

(26) The learned counsel for the petitioners, on the other hand, submitted that the objections of Sri. N. L. Rajah, learned Senior counsel were baseless inasmuch as the judgment in WP.No.10465/2020 relied on by the learned Senior counsel related to service matter. The learned counsel for the petitioners, with reference to the objection that the writ petitions should be heard by a Division Bench and not by a Single Judge, submitted that the petitioners had challenged only a



WP.No.18184/2025 etc., batch

Notification and therefore, the same fell within the purview of the learned Single Judge, as per the Writ Rules. The learned counsel further submitted that the judgment relied on by the learned Senior counsel reported in **2023 SCC Online Mad 7457 [cited supra]**, was inapplicable to the facts of the present case. The learned counsel for the petitioners submitted that the petitioner had challenged the authority of the 1st respondent to pass the impugned Government Order and therefore, the writ petitions cannot be dismissed on mere technical ground of maintainability/ locus standi.

(27) The writ petition is directed against the impugned Notification in G.O.Ms.No.198, dated 28.04.2025, issued under Section 100[3] of the Motor Vehicles Act, 1988, approving the Scheme "New Comprehensive Scheme, 2024". The 1st respondent, under Section 99 of the Act, 1988, published a proposal in the Gazette on 14.06.2024, permitting private operators to operate under the New Comprehensive Minibus Scheme, 2024, and called for objections to the proposed Scheme. The petitioners along with other persons, submitted objections to the proposal. The objections were considered under Section 100 and thereafter, approval was granted by the 1st respondent invoking



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Section 100[2] of the Motor Vehicles Act, 1988. Section 100 confers a statutory right on any person to file objections and therefore, the petitioners, having exercised their statutory right under Section 100 and having participated in the statutory process under Section 100, cannot now be denied the locus to challenge the Notification. In my view, the petitioners cannot be non-suited at the preliminary stage, as doing so would render the statutory right illusory and reduce the entire exercise to a mere formality. Whether the petitioners objections deserve merit or not, can be determined at a later stage, however, to dismiss the petition at the threshold, would be unjust and contrary to the principles of fair adjudication.

(28) In this regard, it would be useful to refer to the judgment of the Division Bench of this Court in **WA.No.978/1998 [Pattukkottai Alagirisamy Transport Corporation Vs. The Regional Transport Authority and Others]**, wherein the Division Bench held thus:-

"There may be a case granting a stage carriage permit contrary to the terms of a scheme of total exclusion of private operators. Similarly, there may be an illegal exercise of power in granting permits under the liberalised policy. Therefore, it is not possible to hold that under any circumstances, the stage carriage permit granted to an applicant cannot at all be challenged and the jurisdiction



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under Article 226 or 227 of the Constitution cannot be exercised against the decision of the Regional Transport Authority granting a stage carriage permit, at the instance of a third party. It is relevant to notice that safety of the public is one of the primary objects of the Motor Vehicles Act. Suppose, on a particular route, several permits are granted, making it impossible to operate the vehicles on that route, the public safety will be in danger. Therefore, it cannot be said that under any circumstances, the grant of stage carriage permit cannot be challenged and the jurisdiction under Article 226 cannot be exercise. It is one thing to say that the writ petition is not maintainable and it is quite another thing to say as to whether in a given case, jurisdiction under Article 226 should or should not be exercised. When we say that the petition is not maintainable, we do not examine the case on merits and

*dismiss the writ petition on the threshold-in limine. In the latter case, in examining the petition, we may come to the conclusion that the exercise of jurisdiction itself is not warranted. Thus, in the first case, the case is dismissed at the threshold and in the second case it is dismissed on considering its merits. Therefore, we are of the view that it cannot be laid down as a rule of law that a petition under Article 226 challenging the grant of a stage carriage permit, cannot at all be maintained. A similar view has been taken by a Division Bench of the Allahabad High Court in **Surendra Rao Vs. Regional Transport Authority, Gorakhpur [AIR 1992 All.211]**. Accordingly, with great respect we find it difficult to agree with the view expressed by the learned Single Judge in WP.No.11958/1992, dated 13.08.1992 [**B.Purushothaman Vs. The Regional Transport Authority and Others**], hence we overrule the said decision."*

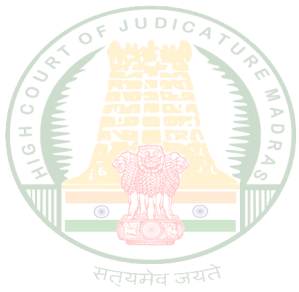
(29)The petitioner's have challenged the jurisdiction of the respondents to frame



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and approve the New comprehensive Scheme, 2024. If the issue of jurisdiction is ultimately answered in favour of the petitioner's, then the impugned notification would be rendered void. In such circumstances, it cannot be said that the writ petitions have to be dismissed as not maintainable, nor can it be said that the writ petitioners lack locus standi. It is significant to note that, in the judgment heavily relied on by the learned counsels for the respondents, the very issue of maintainability / locus standi was raised and considered by the learned Single Judge, who after adverting to several judgments of this Court, including the one mentioned above, held as follows:-

"71. On a consideration of the above referred pronouncement, the contention raised on behalf of the respondents as to the maintainability of the writ petitions cannot be sustained at all. It is well settled by now that it cannot be laid down as a rule of law that a petition under Article 226 challenging the grant of stage carriage permit by an existing operator or a competitor as the case may be, cannot at all be maintained. When the very jurisdiction of the respondent to modify the scheme is raised and if such jurisdictional issue is upheld, the impugned action would be void and therefore, it cannot be said that the petitioners have no locus standi to maintain a writ petition. If the



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construction placed on Chapter VI by the petitioners are to be accepted then the entire action of the respondents would have to go.

(30)As regards the judgments relied on by Sri.N.L.Rajah, learned Senior counsel are concerned, I am in complete agreement with the learned counsel for the petitioners that the said judgments have no application to the facts of the present case. The judgment in ***WP.No.10465/2000 [Tamil Nadu Survey Officers Union [Central] rep.by its General Secertary, Tiruvannamalai Vs. The Government of Tamil Nadu rep.by the Additional Chief Secretary to Government, Revenue & Disaster Management Department, Fort St George, Chennai and Others]*** relates to service matter and therefore, as rightly contended, it can have no application to the facts of the present case. Similarly, the judgment in ***2025 SCC Online 7457 [cited supra]***, would also not apply, inasmuch as the objection therein pertained to the maintainability of the writ petition, before the learned Single Judge, on the grounds that a public cause was raised and therefore, being a Public Interest Litigation, it could be heard only by a Division Bench and that the writ petition directed against the High Court, could be heard only by a Division Bench under Rule 17[1][v] of the Madras High Court Writ Rules. In my view, the present writ petitions are not



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hit by the provisions of Rule 17[1][v] of the Madras High Court Writ Rules.

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(31)Rule 17 of the Madras High Court Writ Rules, 2021, reads as follows:-

"17.Posting of Writ Petitions:-

(1) The following categories of Writ Petitions shall be posted before a Division Bench:-

- i. Public Interest Litigation*
- ii. Habeas Corpus Petitions*
- iii. Petitions challenging the vires of Acts, Rules or Regulations.*
- iv. Petitions relating to judicial service and service of Court employees including High Court employees.*
- v. Petitions against the High Court.*
- vi. Petitions arising from the orders of Central Administrative Tribunal, Debts Recovery Tribunal, Debts Recovery Appellate Tribunal National Company Law Tribunal, National Company Law Appellate Tribunal, Securities Appellate Tribunal and proceedings under the Securitisation and Reconstruction of Financial Assets and Security Interest Enforcement Act, Prevention of Money Laundering Act.*
- vii. Any petition against any action taken or order*



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passed by the Speaker of the Legislative Assembly or against the Speaker of the Legislative Assembly.

Provided that a Division Bench before whom a petition is posted for hearing may at any time refer it for hearing and determination by a Larger Bench having regard to the importance or complexity of the case.

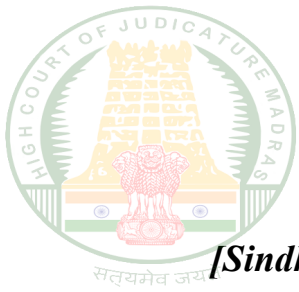
(2) *All other petitions shall be heard by a Single Judge.*

Provided that the Single Judge before whom a petition is posted for hearing may at any time refer it for hearing and determination by a Larger Bench having regard to the importance or complexity of the case.

(3) *Writ petitions [Crl.] shall be posted before the Single Judge hearing petitions under Section 482 Cr.P.C., or as directed by the Chief Justice.*

(32) A reading of the above Rule clearly reveals that the present writ petitions do not fall under any of the determinants stated above and **therefore, in my view the writ petitions are very much maintainable.**

(33) Mrs.S.Radha Gopalan, learned counsel for the respondents 5 to 18 in WP.No.18184/2025, relying on the judgment of the Hon'ble Supreme Court in ***AIR 1967 SC 1815 [Capital Multi Purpose Cooperative Societies, Bhopal and Others Vs. State of Madhya Pradesh and Others]*** and ***1977 [1] SCC 403***



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[Sindhi Sahiti Multipurpose Transport Cooperative Society Limited Vs. State of Madhya Pradesh and Others], submitted that the writ petitions were not

maintainable since the objections raised by the petitioners did not relate to the four grounds mentioned in Section 99. This objection is not discussed here as it is dealt with in the later part of the judgment. This issue need not detain this Court further and suffice it to state that when the statute itself invites objections from public at large, the objectors acquire sufficient locus to question the legality of the final scheme and therefore by denying locus to the petitioners who have availed such rights, the statutory right to object would be rendered nugatory.

(34)In view of the above discussions, **I find that the writ petitions cannot be dismissed at the threshold on the technical ground of maintainability. Hence I am of the view that the writ petitions are maintainable and the writ petitioners have sufficient locus to challenge the impugned schemes.**

(35)Before proceeding further with the matter, it is relevant to mention here that the learned counsel for the petitioners and the respondents, on mutual understanding, framed the following issues for consideration in the above batch of writ petitions:-



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1. *Whether the 1st respondent while considering the approved Scheme under Section 100 of the Motor Vehicles Act, 1988, performs quasi judicial functions? If so, whether he has got the power to reconsider the order made in G.O.Ms.No.33, Home [Transport-I] Department, dated 23.01.2025, in the absence of statutory provision, enabling him to reconsider the order already made?*
2. *Whether the 1st respondent is empowered under the Business Rules to exercise the power under Section 99 of the Act regarding formulation of opinion and publication of the proposal for the grant of mini bus permit in favour of the private sector?*
3. *Whether the 1st respondent who has formulated opinion and published the proposal in the Gazette, can approve the said scheme under Section 100 of the Act and such an action does not violate the principles of nemo debet esse judex in propria sua causa – no man can judge his own cause?*
4. *Whether the 1st respondent, who is a statutory authority, while performing the functions under Section 100 of the Act, can be guided or assisted by the outside authority and the order approving the scheme can be circulated to the Hon'ble Minister for*



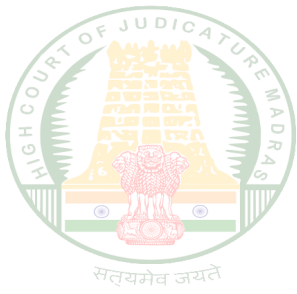
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Transport and Hon'ble Chief Minister for scrutiny and for their approval and such action is not abdication / surrender of the statutory duty vested with the authority under Section 100 of the Act?

5. *Whether under Section 99 of the Act, an opinion can be formed and scheme can be formulated for granting permit in favour of the private sector and the same is not hit by section 99 of the Act?*
6. *When that there is a total bar for grant of any new permit on approved scheme under the Tamil Nadu Act 41 of 1992 vide 6[4] of the Act and such statutory embargo can be rendered nugatory by formulating the scheme and enabling the transport authority to grant the permits in favour of the private operators?*
7. *When Section 1[4] of the Tamil Nadu Act 41 of 1992 contemplates that this Act applies in relation to draft scheme and approved scheme and Section 5 of the said State Act gives overriding effect over Chapter V and Chapter VI of the Motor Vehicles Act, 1988, and Section 6[4] contemplates no new permit shall be granted to any person on any route covered by the approved Scheme, whether the State Government can formulate the scheme, permitting grant of new permit to the private sector on the teeth of these provisions?*

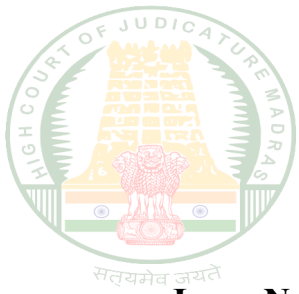


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8. *Under the impugned scheme, whether the 1st respondent can validate the proceedings granted under the withdrawn scheme made in G.O.Ms.No.33, Home [Transport-I] Department, dated 23.01.2025, inasmuch as that Government Order was withdrawn, as the same is illegal, in view of the decision of the Hon'ble Supreme Court of India rendered in [2018] 4 SCC 515?*
9. *Whether the respondent is justified in enlarging the scope of approved scheme, by including the clause, namely, "MIGRATION" contemplated under Clause XII, which is not contemplated under the draft proposal dated 14.06.2024?*
10. *Whether the respondent is justified in enabling the RTA to formulate the route for the grant of mini bus permits, as if the same is contemplated under Section 68[3][ca] of the Act, 1988?*
11. *Whether the RTAs, are subordinate or delegatee of the Transport Commissioner, as contemplated under the impugned scheme?*

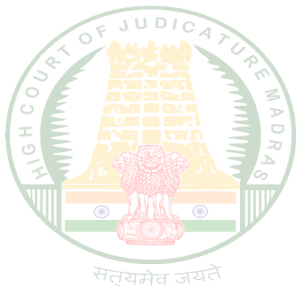


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Issue No.1:-Whether the 1st respondent while considering the approved Scheme under Section 100 of the Motor Vehicles Act, 1988, performs quasi judicial functions? If so, whether he has got the power to reconsider the order made in G.O.Ms.No.33, Home [Transport-I] Department, dated 23.01.2025, in the absence of statutory provision, enabling him to reconsider the order already made?

(36)The issue whether the 1st respondent, exercising jurisdiction under Section 100 of the Motor Vehicles of the Act, performs quasi judicial functions or not, was settled by the Constitution Bench of the Hon'ble Supreme Court as early as as in the year 1959 in the judgment reported in ***AIR 1959 SC 308 [Gullapalli Nageswara Rao and Others Vs. Andhra Pradesh State Road Transport Corporation and Another]***. The Constitution Bench in the aforesaid case, held that the State Government exercising powers under Section 68-D [now Section 100], was performing quasi judicial Act. Similar view was expressed in the judgment reported in ***1973 [1] SCC 336 [T.Govindaraja Mudaliar etc., Vs. The State of Tamil Nadu and Others]***.

(37)The same principle was echoed by a learned Single Judge in the order dated 28.07.2000 in WP.No.19067/1999 etc., batch ***[cited supra]***. The learned Single Judge, in paragraph No.118, held as follows:-



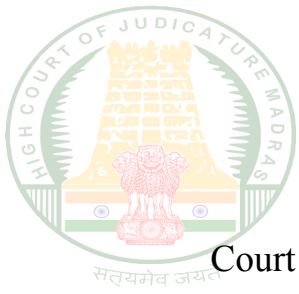
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"118.The provisions of the Motor Vehicles Act, enjoined the 1st respondent to act quasi-judicially or to act in part administratively. The policy and expediency as seen from the provisions of the Act are the guiding factors. As the statutory provisions has expressly imposed a duty on the 1st respondent to act judicially, that part of the 1st respondent, commencing from publication of draft proposal to the making of decision or decision making process is a quasi-judicial function."

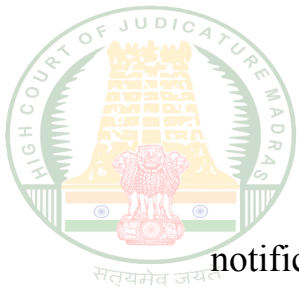
(38)In the light of the settled legal position as set out by the judgments of the Apex Court as well as this Court, the issue whether the 1st respondent, exercising powers under Section 100, while approving the Scheme, acts as quasi judicial authority, need not retain this Court any further. **Therefore, without doubt the 1st respondent while exercising power under Section 100 of the MV Act, acts as a quasi judicial authority.**

(39)The other limb of the first point is whether the 1st respondent had power to reconsider the order made in G.O.Ms.No.33, Home (Transport-I) Department, dated 23.01.2025, in the absence of statutory provision. It will be pertinent to refer to certain facts which have a bearing on the issue. The Government formulated scheme in G.O.Ms.No.130, dated 23.02.2011, was set aside by this



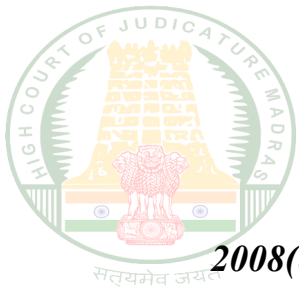
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Court in W.P(MD). No. 2893 of 2011 vide order dated 18.04.2018, since it was found to be in violation of principles of natural justice, inasmuch as the approval of modification was made by the authority who had not heard the objections. The writ Court relying on the judgment of the Hon'ble Supreme Court in ***B.A.Linga Reddy's*** case cited supra, allowed the writ petition, directing the respondents to redo the exercise by complying with the principles of natural justice. Hence, the respondents published the proposed draft notification under Section 99 of the Act, in the Gazette on 14.06.2024, inviting objections. The objections were filed and thereafter the scheme was approved under Section 100 of the Act and published in the Gazette on 24.01.2025. Later, the scheme was challenged in W.P.No.6198 of 2025, by the petitioners. After hearing the learned counsels at length, the respondents finding that the said Government Order was also hit by the decision of the Hon'ble Apex Court in ***B.A.Linga Reddy's*** case, withdrew the scheme and subsequently, the impugned order in G.O.Ms.No.198, Home [Transport-I] Department, dated 28.04.2025, was issued. The aforesaid facts reveal that the withdrawal of the earlier G.O.Ms.No.33 dated 23.01.2025 and the publication of the impugned



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notification dated 28.04.2025, was plainly to overcome the objections raised by the writ petitioners regarding the non communication of the decision overruling the objections in terms of the Hon'ble Supreme Court judgment in ***B.A.Linga Reddy's*** case. The primary object in withdrawing the scheme in G.O.Ms.No.33 dated 23.01.2025, was only to fill up the lacuna in the earlier notification. In the impugned notification, the objections and the reasons for rejecting the same have been incorporated which was found lacking in the earlier notification which was withdrawn. The impugned notification is only re-approval of the same scheme without any substantial change. It is seen that the substance of the scheme remains unaltered. Under the impugned Notification, the procedural defect of not incorporating the objections and the reasons for rejection, are rectified and such rectification by no stretch of imagination, can be termed reconsideration of the withdrawn Government Order. The legal position that in the absence of a statutory provision conferring the power of review on an authority, the authority lacked power to review its own order is undisputed. Hence, there is no dispute on the legal proposition enunciated in the judgments reported in ***2002 (5) SCC 685***,

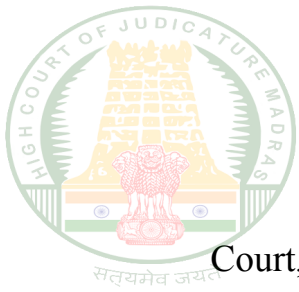


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2008(8) SCC 92, 2012 (7) SCC 200 and 2025 (3) SCC 365, relied on by the learned counsel for the petitioners.

(40)The facts stated above reveal that the 1st respondent by issuing the impugned notification did not review or reconsider the order, but only rectified the procedural omissions arising out of the judgment in ***B.A.Linga Reddy's*** case. In this regard, it could be worthy to refer to the judgment of the Hon'ble Supreme Court in the case of ***Rasid Javed and others versus State of Uttar Pradesh and another***, reported in ***2010 (7) SCC 781***.

(41)The facts narrated in brief of the said case are that, the Special Secretary and the Additional Legal Remembrancer, who published the proposed modification in the official Gazette on 16.04.1999, heard the objections of the affected persons, rejected the same and thereafter approved the proposed modification by his order dated 11.10.1999. Finding that the Special Secretary and Additional Legal Remembrancer was not empowered to approve the proposed modification, the Government rescinded the proposed modification dated 16.04.1999, by a Notification dated 15.04.2000, in exercise of its power under Section 102 of the 1988 Act and Section 21 of the General Clauses Act, 1897. The said rescission Notification was challenged before the Hon'ble Supreme



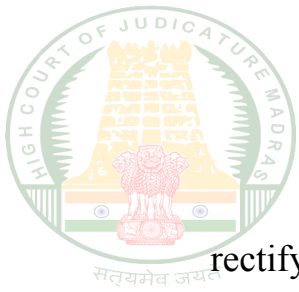
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Court, and in para 56, the Court held as follows:-

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“56. It seems to be fairly settled that under Section 21 of the General Clauses Act, an authority which has the power to issue a notification has the undoubted power to rescind or modify the notification in the like manner. In the instant case, there is no doubt that the Notification dated 15-4-2000 has been made in the same manner as the earlier Notification dated 16-4-1999. Since the order of the Hearing Authority dated 11-10-1999 is not an order of approval under Section 102(1) of the 1988 Act and cannot be treated as such, the power of State Government to rescind the Notification dated 16-4-1999 did not get exhausted. The argument that the draft Notification dated 16-4-1999 merged in the order dated 11-10-1999 is fallacious and devoid of any substance.”

(42) From the above judgment, the following points emerge. That the Government has the power to withdraw and rescind the Notification and that the Draft Notification does not merge with the final Notification meaning that even if the final Notification is withdrawn, the draft Notification continues to be valid. If the power of the Government to withdraw the Notification is conceded, then the subsequent Notification [impugned Notification] issue for

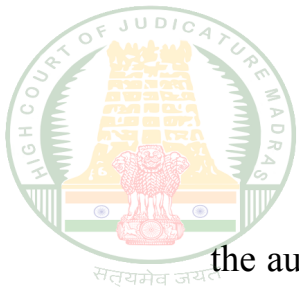


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rectifying the procedural defects in the withdrawn Notification, cannot be held to be a review of the earlier Notification, more so, when the substance of the Scheme remained unaltered. Useful reference in this regard can be made to the judgment of the Hon'ble Supreme Court reported in **AIR 1963 SC 1098 [Nehru Motor Transport Cooperative Society Limited and Others Vs. State of Rajasthan and Others]**. The portion of paragraph No.8 of the judgment is extracted hereunder:-

"8....In the present case the order of the High Court was analogous to a remand as understood in courts of law. What the Legal Remembrancer did on the second occasion was to reappraise the evidence in the light of the law laid down by the High Court. Therefore, it cannot be said that the decision of the Legal Remembrancer on August 17, 1962, is a review of his earlier decision dated May 31, 1962. It must be treated as a fresh decision, after the High Court had set aside the finally scheme as published on June 16, 1962. Though therefore the propositions put forward on behalf of the petitioners may be accepted as correct, there is no scope for applying the principles contained in these propositions to the facts of this case. The contention, therefore, that the scheme as finally published on August 31, 1962 is bad because it militates against these principles must be rejected."

(43) In the aforesaid judgment of the Hon'ble Supreme Court, the matter was remanded, but in the present case, it was withdrawn by the Government. In my view, the same does not make any difference because the reconsideration by



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the authority, was for the limited purpose of rectifying the defect arising out of

B.A.Linga Reddy's case and therefore, not a review of the earlier Government

Order. The issue No.1 is hence decided against the petitioners.

Issues No.2, 3 and 4:-Whether the 1st respondent is empowered under the Business Rules to exercise the power under Section 99 of the Act regarding formulation of opinion and publication of the proposal for the grant of mini bus permit in favour of the private sector ' whether the 1st respondent who has formulated opinion and published the proposal in the Gazette, can approve the said scheme under Section 100 of the Act and such an action does not violate the principles of nemo debet esse judex in propria sua causa=no man can judge his own cause ; and whether the 1st respondent, who is a statutory authority, while performing the functions under Section 100 of the Act, can be guided or assisted by the outside authority and the order approving the scheme can be circulated to the Hon'ble Minister for Transport and Hon'ble Chief Minister for scrutiny and for their approval and such action is not abdication / surrender of the statutory duty vested with the authority under Section 100 of the Act.

(44)Points 2, 3 and 4 are discussed together as they are interrelated.

(45)The learned counsel for the petitioners contended that as per Rule 4 of the

Business Rules, the business of the Government shall be transacted in the Departments specified in the First Schedule and shall be classified and distributed between those Departments as laid down by the Rule. The learned counsel submitted that as per the Rule, the business of the Government had to be transacted in the Department prescribed in the First Schedule. The learned counsel submitted that in the First Schedule, nationalization of transport under



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the MV Act, was entrusted with the Home Department and for exercise of powers under this head, Rule 24 confers power on the Home Secretary with regard to approval and modification of the Scheme under Sections 100 and 102 of the Act respectively. The learned counsel for the petitioners further submitted that since no specific power was conferred on the Secretary, Home Department, to formulate the proposal under Section 99 of the Act, the Draft Proposal issued by the 1st respondent under Section 99 of the Act, was illegal and invalid. The petitioner's submissions are refuted by the respondents. The respondents contend that even assuming that the authority to prepare and publish the proposal was ambiguous, the authority who exercised the function, was placed at the highest level and as the powers were exercised by a higher level authority, which are reflected by the files, the power cannot be questioned.

(46)To consider the said issue, it is necessary to examine the provisions of Section 99 and Section 100 of the MV Act and Rule 24 of the Tamil Nadu Business Rules. Section 99 reads as follows:-

'99. Preparation and publication of proposal regarding



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road transport service of a State transport undertaking-

[(1)] Where any State Government is of opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in general or any particular class of such service in relation to any area or route or portion thereof should be run and operated by the State transport undertaking, whether to the exclusion, complete or partial, of other persons or otherwise, the State Government may formulate a proposal regarding a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposed to be covered and other relevant particulars respecting thereto and shall publish such proposal in the Official Gazette of the State formulating such proposal and in not less than one newspaper in the regional language circulating in the area or route proposed to be covered by such scheme and also in such other manner as the State Government formulating such proposal deem fit.

[(2) Notwithstanding anything contained in sub-section (1), when a proposal is published under that sub-section, then from the date of publication of such proposal, no permit shall be granted to any person, except a temporary permit during the pendency of the proposal and such temporary permit shall be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme under section 100, whichever is earlier.]

(47)Section 100 of the MV Act, reads as follows:-

100. Objection to the proposal. -

(1) On the publication of any proposal regarding a scheme in the Official Gazette and in not less than one newspaper in the regional language circulating in the area



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or route which is to be covered by such proposal any person may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government.

(2) The State Government may, after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State transport undertaking to be heard in the matter, if they so desire, approve or modify such proposal.

(3) The scheme relating to the proposal as approved or modified under sub-section (2) shall then be published in the Official Gazette by the State Government making such scheme and in not less than one newspaper in the regional language circulating in the area or route covered by such scheme and the same shall thereupon become final on the date of its publication in the Official Gazette and shall be called the approved scheme and the area or route to which it relates shall be called the notified area or notified route:

Provided *that no such scheme which relates to any inter-State route shall be deemed to be an approved scheme unless it has the previous approval of the Central Government.*

(4) Notwithstanding anything contained in this section, where a scheme is not published as an approved scheme



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under sub-section (3) in the Official Gazette within a period of one year from the date of publication of the proposal regarding the scheme in the Official Gazette under sub-section (1), the proposal shall be deemed to have lapsed.

Explanation-*In computing the period of one year referred to in this sub-section, any period or periods during which the publication of the approved scheme under sub-section (3) was held up on account of any stay or injunction by the order of any Court shall be excluded."*

(48)Section 24 of the Tamil Nadu Business Rules, reads as follows:-

"24. Notwithstanding anything contained in these Rules, where any undertaking, providing road transport service, is carried on by the State Government with reference to section 97 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the powers and functions which the State Government, may exercise and perform under Sections 100 and 102 of the said Act and the rules relating thereto shall be exercised and preferred by the Secretary to the State Government in the Home Department on behalf of the State Government and cases relating to such powers and functions of the State Government under the said sections 100 and 102 of the said Rules need not be submitted to the Minister-in-charge."



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(49) It is imperative to mention here that under Section 68(c) of the Old Act, 1939, the opinion was that of the State Transport undertaking, but under Section 99 of the New Act, 1988, the opinion is that of the State Government.

(50) Admittedly, under Rule 24 of the Tamil Nadu Business Rules, the Secretary to the State Government in the Home Department, is entrusted with the powers and functions which the State Government may exercise and perform under Sections 100 and 102 of the said Act and the Rules relating thereto. The power exercised by the Secretary to the Government, Home Department, is on behalf of the State Government. Under Section 99, the opinion of the State Government, which really is a policy decision, in the form of a proposal is published in the official Gazette of the State Government. As is well known, the Government is not a natural person and the Government, means the Governor aided and advised by his Ministers. Under the Constitution, the

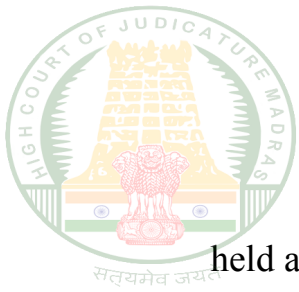
Governor is the Constitutional Head and the administration of the State is conducted by the Council of Ministers and the Cabinet is responsible to the legislature for every action taken in any of the Ministries and that is the essence of collective responsibility. The cardinal function of the Ministers is to



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devise policies and therefore they cannot be hassled with the day-to-day administration. While the Ministers discharge the primary functions of formulating policies and programmes of the Government, the civil servants execute the same, not as their delegates, but on behalf of the Government. No doubt, the civil servants are the limbs of the Government, but they are not its delegates unless and until they are specifically delegated functions either by a Statute, Business Rules or in any other legal manner. While allocating the functions under the Business Rules, Section 99 was not included since the Government was conscious that the publication of the proposal was only a ministerial act, but the policy decision therein was only that of the Government. Therefore, the contention that in the absence of conferment of power on the 1st respondent under the Business Rules, he had no authority to publish the draft proposal dated 14.06.2024, in my view, is untenable because the publication of the proposal which is a policy decision of the Government, was a mere ministerial act.

(51)At this juncture, it is relevant to refer to the judgment of the Hon'ble Supreme Court in ***Dosa Satyanarayanamurty etc., Vs. The Andhra Pradesh State Road Transport*** reported in ***AIR 1961 SC 82***. The Apex Court, in paragraph No.22,



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held as follows:-

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"22.....If so, the only question is whether the act of publishing the proposed schemes framed by the Corporation in the Gazette pertains to the day to day administration of the Corporation's business. The Chief Executive Officer has no power under the Act to frame a scheme. Section 68-C empowers only the State Transport Undertaking to prepare a scheme and cause every such scheme to be published in the Official Gazette and also in such other manner as the State Government may direct. The scheme, therefore, need not be directly published by the Corporation, but it may cause it to be published in the Official Gazette. The act of publishing in the Official Gazette is a ministerial act. It does not involve any exercise of discretion. It is only a mechanical one to be carried out in the course of day to day administration. So understood, there cannot be any difficulty in holding that it was purely a ministerial act which the Chief Executive Officer by reason of the aforesaid resolution can discharge under Section 12(c) of the Road Transport Corporations Act. It must be presumed for the purpose of this case that the Corporation decided the terms of the proposed schemes and the said decision must have been duly authenticated by the Chairman or any other member authorised by the



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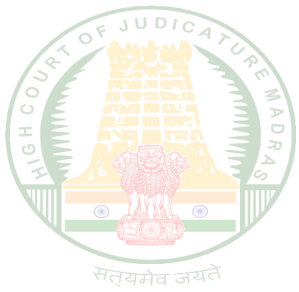


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Corporation in this behalf and the Chief Executive Officer did nothing more than publish the said scheme in exercise of its administrative functions. We, therefore, hold that the Chief Executive Officer was well within his rights in publishing the said proposed schemes in the Andhra Pradesh Gazette."

(52) That the 1st respondent by publishing the draft notification under Section 99 was only discharging the ministerial/administrative function is also countenanced by the counter of the 1st respondent. The 1st respondent in para 13 of the counter has stated as follows:-

"13.....Without prejudice to the explanation that the Government possess power u/s 99 as mentioned above, even if the authority to prepare and publish proposal is ambiguous, the authority exercising it's functions is at the highest level. In the instant case, the files will reflect that the entire matter has been taken up for consideration at various levels. The Transport Commissioner has scrutinized, which was then placed before the Home Secretary, who is the authority to notify the final scheme, then the Minister for Transport has approved, furthermore the Hon'ble Chief Minister of Tamil Nadu has scrutinized and approved the same.



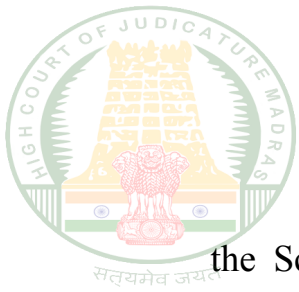
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In light of the above, as the entire matter has been dealt with at various levels including the highest level, it is not a question of scheme being implemented by an insubordinate authority, especially noting that the Home Secretary is the Administrative Head.”

(53)The aforesaid averment of the 1st respondent support the respondents contentions that the policy decision under Section 99 was taken by the Government and the Home Secretary as the Administrative Head, published the proposal. Hence, in my view even in the absence of inclusion of Section 99 in the Tamil Nadu Business Rules, the 1st respondent is empowered to publish the proposal, as administrative head of the Department. Therefore, the contention of the petitioner in this regard cannot be accepted.

(54)This Court has already found on Point No.2, that the formulation of opinion [policy decision of the Government] and the publication of the same in the Gazette is undertaken by the 1st respondent not as a delegate of the Government, but on behalf of the Government. If the distinction between the publication of a proposal under Section 99, which is purely a mechanical and ministerial act and the subsequent consideration of objections and approval of



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the Scheme, which are quasi judicial functions imposed by statute and the Rules of Business, is borne in mind, then the only tenable conclusion is that the 1st respondent did not act as judge of his own cause. The Hon'ble Supreme Court's judgment in ***T.Govindaraja Mudaliar's case [cited supra]*** in my view, is a complete answer to the petitioners' contentions that the 1st respondent was being a judge in his own cause because he formulated the proposal and considered the objections and approved the Scheme.

(55)The Hon'ble Supreme Court in ***1973 [1] SCC 336 [T.Govindaraja Mudaliar etc., Vs. The State of Tamil Nadu and Others]***. The Hon'ble Supreme Court, in paragraphs No.17 and 19, held as follows:-

"17. It has next been argued that the nationalisation schemes were vitiated for various reasons. The first submission is that a policy decision was taken by the Government which was embodied in the Government Order, dated June 17, 1967. It was stated therein that the Government had considered carefully the question of extension of nationalisation of passenger bus transport in the State. In modification of the existing policy the Government had decided that the types of routes set out should be nationalised. The Government proceeded to direct that the

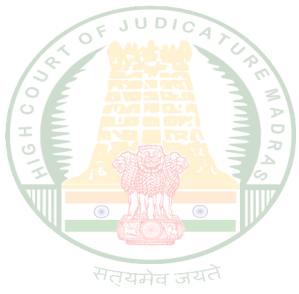


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routes in the categories mentioned should be nationalised as and when the permits of the private operators expired. On the same day by another Government Order the Government constituted an ad hoc committee “to work out the details in all aspects for implementing the policy decision”. One of the members of that committee was the Secretary to the Government, Home Department. The committee was to submit its report within a fortnight. After the report had been submitted schemes were published under Section 68-C by the Secretary, Industries, Labour and Housing Department, hereinafter referred to as the “Secretary Industries”. He purported to do so under Rule 23-A of the Rules of Business. Objections which were filed by the operators were heard and the schemes considered by the Secretary, Home, under Section 68-D who had been so authorised under Rule 23-A. According to the appellants the Secretary, Home, while hearing the objections under Section 68-D of the Act was acting as a quasi-judicial tribunal. Since he was a member of the committee which had made the report in accordance with which the schemes had been published under Section 68-C it is claimed that the Secretary, Home, acted as a judge in his own cause. In other words, he participated in the policy decision of the Government and then he exercised the powers under Section 68-D of hearing objections and

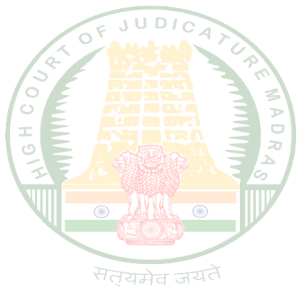


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considering the merits of the schemes. This, it is suggested, is wholly contrary to the rules of natural justice the hearing by the Secretary, Home, being vitiated by bias. Learned Single Judge of the Calcutta High Court in East India Electric Supply & Traction Co. Ltd. v. S.C. Dutta Gupta [59 CWN 162] , held that where a member of a Rating Committee had already pre-judged at least one of the issues that had been raised before it, his inclusion as a member made the Rating Committee and its functioning contrary to law. In Dosa Satyanarayanamurthy etc. v. The Andhra Pradesh State Road Transport Corporation [AIR 1961 SC 82 : (1961) 1 SCR 642 : (1963) 1 SCJ 539] , the Minister in charge of the portfolio of Transport had presided over the sub-committee constituted to implement the scheme of nationalisation of bus services. It was contended there that the same Minister could not be a judge in his own case as he was biased against the private operators. That contention was negated by this Court. It was pointed out that any decision arrived at by the sub-committee was not final or irrevocable and it was only a policy decision. The sub-committee was only meant to advise the State Government how to implement the policy of nationalisation. That could not either expressly or by necessary implication involve a predetermination of the issue. The Minister, therefore, could



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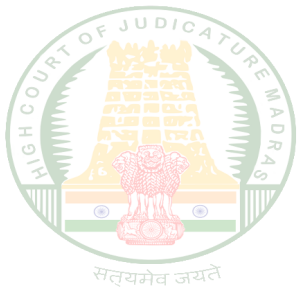


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not be said to have any such bias as disqualified him from hearing objections under Chapter IV-A of the Act in which Section 68-D occurs. This case is quite apposite for disposing of the submission based on bias.

.....

19.The learned counsel for the appellants laid a great deal of emphasis on the manner in which the policy decisions were taken by the Government and the mandatory language contained in the Government Orders already referred to which hardly left any discretion or choice to the authority considering the objections under Section 68-D of the Act. We are unable to see how any authority who exercises individual power under Section 68-D is bound by what has been stated as a policy decision of the Government. In fact his main function is to hear such objections as may be preferred to the schemes published under Section 68-C and approve or modify the schemes so published after giving an opportunity to the objector. His function being of a quasi judicial nature he is to bring a judicial approach to the matter and even if he happens to be a servant of the Government he is not bound in any way to carry out or endorse the policy of the Government he is not bound in any way to carry out or endorse the policy of the Government without discharging his duties as contemplated by Section



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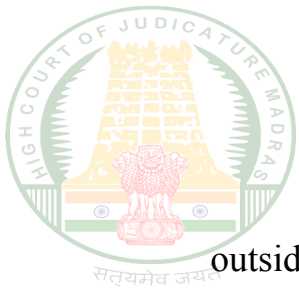


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68-D. We are unable to hold nor has anything been shown to us except the suggestion that the schemes as published under Section 68-C were approved in toto that the authority acting under Section 68-D had not discharged his duties in a proper and judicial manner....."

(56)I am therefore of the view that there is nothing wrong in the 1st respondent, hearing the objections and approving the Scheme under Section 100 of the Act, particularly when under Rule 24 of the Tamil Nadu Business Rules, the powers under Section 100 were delegated to him. As propounded in the aforesaid judgment, the functions discharged under Section 100 were quasi-judicial in nature, and merely because the 1st respondent is a Government servant, it cannot be said that he was bound to validate the policy of the Government. Hence, the contention raised by the learned counsel for the petitioners that since the 1st respondent published the proposal in the Gazette, he could not have considered the objections as the same tantamount to being a judge of his own cause, does not hold water.

(57)The further contention of the petitioner in point No.4 is that the 1st respondent who is the Statutory Authority for performing functions under Section 100 of the Act, abdicated his statutory duty by taking the guidance and assistance of



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outside authority and by circulating the approved Scheme to the Hon'ble Ministry of Transport and Hon'ble Chief Minister before scrutiny. In my view, the said contention is misconceived, as it is based on an erroneous reading of para 13 of the counter of the respondents. Paragraph No.13 of the counter relates to the publication of the draft proposal under Section 99 and the same does not relate to Section 100, which deals with consideration of the objections and approval of the Scheme. The approval of the Minister of Transport and the Hon'ble Chief Minister relates to the policy decision under Section 99 and not to the consideration of the objections and approval under Section 100. Therefore, the submission lacks merit and hence, rejected. **In view of the above discussions, Issues No.2, 3 and 4 are rejected.**

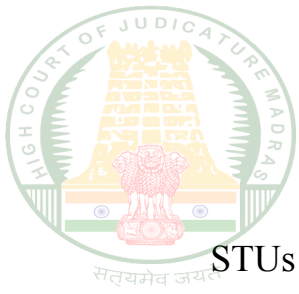
Issues Nos.5, 6 and 7:-Whether under Section 99 of the Act, an opinion can be formed and scheme can be formulated for granting permit in favour of the private sector and the same is not hit by section 99 of the Act ; when that there is a total bar for grant of any new permit on approved scheme under the Tamil Nadu Act 41 of 1992 vide 6[4] of the Act and such statutory embargo can be rendered nugatory by formulating the scheme and enabling the transport authority to grant the permits in favour of the private operators ;and when Section 1[4] of the Tamil Nadu Act 41 of 1992 contemplates that this Act applies in relation to draft scheme and approved scheme and Section 5 of the said State Act gives overriding effect over Chapter V and Chapter VI of the Motor Vehicles Act, 1988, and Section 6[4] contemplates no new permit shall be granted to any person on any route covered by the approved Scheme, whether the State Government can formulate the scheme, permitting grant of



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new permit to the private sector on the teeth of these provisions?

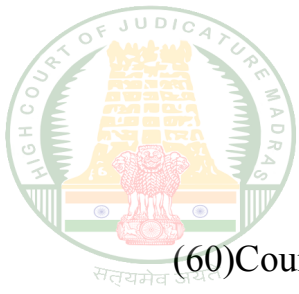
(58)The learned counsel for the petitioners submitted that the 1st respondent cannot, by resorting to Section 99, formulate and publish a proposal for grant of permits in favour of private sector [mini bus operators]. The learned counsel, in support of the said submission, relied on the judgments of the Hon'ble Supreme Court reported in ***AIR 1959 SC 308 [Gullapalli Nageswara Rao and Others Vs. Andhra Pradesh State Road Transport Corporation and Another]*** ; ***AIR 1960 SC 1073 [H.C.Narayanappa and Others Vs. State of Mysore and Others]*** ; and ***1974 [2] SCC 750 [Mysore State Road Transport Corporation Vs. Mysore State Transport Appellate Tribunal]***. The learned counsel further submitted that the purpose of Chapter VI of the Act was not to regulate the rights of the private operators in the matter of granting or withholding or varying transport permits, but to provide for an elaborate procedure that should be followed in excluding the private operators. In other words, the learned counsel contended that Chapter VI was merely a regulatory procedure for carrying on road transport services by the State. The learned counsel also submitted that *sine qua non* for invoking Section 99 and forming opinion and publication of the proposal in the Gazette , was for the benefit of



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STUs and not for the private operators. Though the learned counsel for the petitioners admitted that the impugned Scheme retains the saving clauses contemplated under the earlier Schemes with respect to the petitioners, it nevertheless introduced a clause for the purpose of granting mini bus permits for the private operators and as such, it is in violation of Section 99 of the Act.

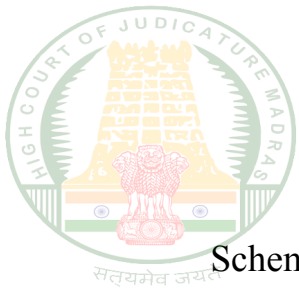
(59)The learned counsel for the petitioners heavily relied on the judgment of the Punjab and Haryana High Court dated 20.12.2012 in ***CWP.No.15786/1999 etc., batch [M/s.Vijayant Travels and Another Vs. State of Punjab and Others]***, in support of the contention that under Section 99 of the Act, a Scheme could not be proposed for the purpose of granting of mini bus permit in favour of private operators. With respect to the contention regarding bar under the Act 41/1992, the learned counsel contends that Section 6[4], which is a vital provision, prohibits grant of any new permit on Approved Scheme on or after 01.07.1990. The learned counsel further submitted without amending the State Act, namely, the Tamil Nadu Act 41/1992, by merely modifying a Scheme or publishing a new Scheme under Section 99 including Section 100, no permit including the mini bus permit could be granted under the newly Approved Scheme.



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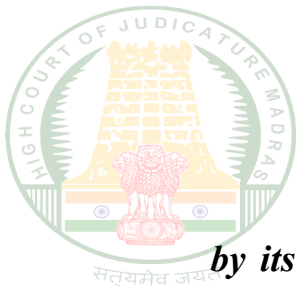
(60) Countering the arguments of the learned counsel for the petitioners,

Mrs.Radha Gopalan, learned counsel appearing for the respondents 5 to 18 submitted that the issue now raised by the petitioners, is directly covered by the judgment of Hon'ble Mr. Justice E.PADMANABHAN [as he then was] in ***WP.No.19067/1999 etc., batch dated 28.07.2000.*** learned counsel submitted that the very same issues were raised before the learned Judge and the learned Judge repelled the same. The learned Counsel further submitted that the judgment of the Punjab and Haryana High Court, heavily relied on by the learned counsel for the petitioners, would have no application to the present case. The learned counsel submitted that as far as the mini bus Scheme in the State of Punjab and Haryana was concerned, it had a checkered history, whereby the Schemes which were formulated first in the year 1980, thereafter in 1989, 1990, 2007 and lastly, in 2010, were quashed. The learned counsel contended that the earlier Schemes of the Government of Punjab and Haryana were quashed on various grounds like one of the Schemes excluded operation of STUs, that the 2008 Scheme was published after expiry of one year from the date of Draft Scheme, and as far as 2010 Scheme which was the subject matter of challenge before the Punjab and Haryana High Court, it was found that the



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Scheme was heavily loaded in favour of mini bus operators and hence, it was held to be blatantly illegal. The Punjab and Haryana High Court found that even the term 'mini bus' was alien to the Act and its Rules. The learned counsel submitted that in the State of Tamil Nadu, Rule 3[o] of the Tamil Nadu Motor Vehicles Rules, specifically defines "Mini Bus". Learned counsel further submitted that in Tamil Nadu, the mini buses were introduced in the year 1999 and the same were validated by the Court and since then, the mini buses have come to stay with validly issued permits. The learned counsel submitted that unlike in Punjab and Haryana, there was no clause in the Scheme excluding STUs from running mini buses. The learned counsel further submitted that the learned Advocate General had clarified that the STUs had also applied for mini bus permits. The learned counsel submitted that ever since the judgment of this Court in ***WP.No.19067/1999 dated 28.07.2000***, the mini buses were operating with valid permits for the past 25 years and that too, in public interest. To the contention of the learned counsel for the petitioners that there was total bar for grant of any new permit under the Act 41/1992, the learned counsel again relying on the judgment of this Court in ***WP.No.19067/1999 dated 28.07.2000 [V.Senthil Vs.and Others Vs. The State of Tamil Nadu rep.***



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by its Secretary, Home Department, Chennai-9 and Others], submitted that

there were no merits in the contentions of the learned counsel for the petitioners.

(61) Mr. P.S. Raman, learned Advocate General appearing for the 1st respondent contended that the Tamil Nadu Act 41/1992 was passed to protect the small bus operators from the operation of the Scheme and they were accordingly placed in the exclusion clause of the Scheme. The learned Advocate General further submitted that the routes on which the petitioners were operating, were different from the mini bus routes which are majorly plying on unserved routes. The learned Advocate General, in other words, submitted that under the present Scheme, the interest of the petitioners were adequately protected and therefore, the contentions of the learned counsel for the petitioners were untenable.

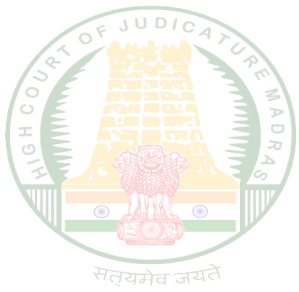
(62) At the outset, I would like to point out that curiously, while arguing the matter before Hon'ble Mr. Justice E. PADMANABHAN [as he then was], in the batch of writ petitions in WP.No.19067/1999 etc., the learned counsel appearing for the petitioner in WP.No.18184/2025, represented by Mr. K. Alagirisamy, learned Senior counsel, contended before the learned Judge



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that the Government for the purpose of providing transport facilities to the rural public by providing mini bus service, ought to have resorted to Section 99 of the Central Act and that the procedure adopted for providing mini bus services, by modifying the Scheme under Section 102 of the Act, was untenable. Contrarily, in the present case, the learned counsel for the petitioners, has challenged the impugned Government Order stating that the Government should have resorted to amendment of Act 41/1992. Be that as it may, both the contentions were considered by the learned Judge in aforesaid writ petitions and while upholding the modification of the Approved Scheme under Section 102 of the Act, the learned Judge in paragraph No.100, held as follows:-

"100. Thus, viewed from the angle of the rural mass, the object with which relaxation of the exclusion clause in the Approved Scheme has been undertaken by the 1st respondent, is to advance the cause of the villages whose condition requires to be improved. Thus it would be seen that it is not a measure to benefit the private operators. But the relaxation is also meant to advance the cause of the rural mass who also have the constitutional guarantee and to subserve such public interest, it is clear the relaxation has been



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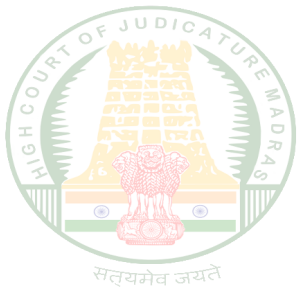


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undertaken by amending the approved scheme. To put it in the words of Their Lordships of the Apex Court, the relaxation is not meant to sabotage the approved scheme but to sub-serve the public interest and this is clear. "

(63) Moreover, though the learned Judge was deciding the issue from the point of view of modification of the Scheme under Section 102 of the Act, the learned Judge interestingly also considered, what would be the effect if the Scheme was formulated invoking Section 99 of the Act. The learned Judge, in paragraphs 102 to 105 of the judgment, held as follows:-

"102. Nextly it has to be pointed out that if the original area scheme itself had approved for the operation of mini buses in rural areas no one could have successfully challenged such relaxation as the right of a person to object the scheme is to be contained only to the four grounds, namely, that the scheme did not provide [a]efficient [b]adequate [c]economical and [d]properly coordinated transport services. No other ground is available to challenge. Merely because such an amendment or modification or relaxation is sought to be introduced for the same reason, or on the same ground, it is not also open to challenge on any other ground as well.

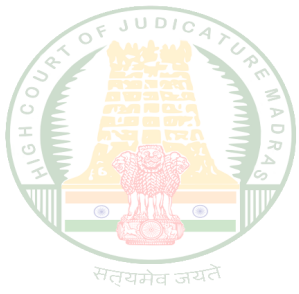


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*103.If the scheme amply establishes itself that it fulfills the four purposes mentioned in the Act, then as has been held by the Apex Court in **Sindhi Sahiti Multipurpose Transport Cooperative Society Limited Vs. State of Madhya Pradesh and Others**[1977 [1] SCC 403] this Court would have approved such scheme itself. Merely because by a modification of a scheme which is being undertaken by the State Government as seen from the impugned notification, the challenge to such scheme could not be sustained. Hence, the present challenge cannot be sustained. In the present case, it is admitted that no transport services are being provided to the rural areas, which are still hardly accessible and that being so by relaxation of the exclusion clause, which is sought to be modified by the impugned notifications, cannot be held to be an objectionable one nor it could be declared as running counter to the objects of the Chapter VI. Viewed from any angle, when concedingly, transport facilities had not been provided even after framing area scheme and when the Government decided that the State Transport Undertakings are unable to provide transacted facilities to all the rural villages, it cannot be held that by the amendment or modification of the approved scheme, the provisions of object of Chapter VI of the Act is being defeated nor it could be held that there could be no*



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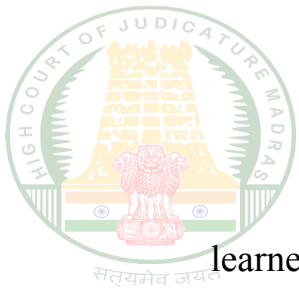
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amendment to the scheme at all. Such a contention is a misconception and cannot be sustained. The contention that it is not legally permissible to amend an approved scheme in this case cannot also be sustained.

104.As already pointed out, if such a relaxation in favour of rural transportation has been provided in the original scheme itself, the petitioners could not have successfully challenged the same and on the same reasoning, the contention presently raised has to be negatived.

105.The power to modify is not at all circumscribed or conditioned by any other consideration or statutory provision. But at any rate, the power to modify, which modification has been undertaken by the impugned notification, by relaxing the exclusion clause, the object of nationalisation or for that matter the object of Chapter VI has not been defeated and the hue and cry made by the petitioners is nothing but a misplaced action initiated to secure their personal benefits."

(64)Since, the contention of the petitioners were already considered by the learned Judge, the identical contention now raised, cannot be sustained as I find no compelling reasons to deviate from the reasonings of the learned Judge. The learned counsel for the petitioners submitted that the judgment of the



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learned Judge was taken in appeal and while disposing of the writ appeal, the Division Bench left open all the contentions raised before the learned Single Judge. The learned counsel therefore submitted that the contentions of the learned counsel for the respondents that the issues are covered by the judgment of the learned Single Judge are untenable in view of the judgment of the Division Bench. When the judgment of the learned Single Judge in WP.Nos.19067 to 19069/1999 batch was taken on appeal in WA.Nos.1290 to 1292/2000, the Division Bench in its judgment dated 11.04.2011, held as follows:-

"However, we make it clear that the respondents are free to raise whatever contentions available to them in the writ petitions which are now pending, challenging the fresh orders of the Government."

(65)In my considered view, the liberty granted to the petitioners cannot be construed as effacing or obliterating the judgment of Hon'ble Mr. Justice E.PADMANABHAN [as he then was]. It is well settled that grant of such liberty is only procedural concession and does not by itself, nullify or dilute the efficacy of judicial findings, unless set aside or reversed by a competent Court. The liberty granted, in my view, does not erase the persuasive or binding value



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of the final judgment. I therefore find no merit in the said submission.

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(66)The reliance placed on the judgment in ***CWP.No.15786/1999 etc., batch [M/s.Vijayant Travels and Another Vs. State of Punjab and Others]***, in my view, is misplaced since the facts and history of litigation of the said case, as rightly contended by Mrs.Radha Gopalan, learned counsel, are clearly distinguishable and hence, the judgment is inapplicable. Hence, I am not inclined to countenance the contention of the learned counsel for the petitioners on this aspect also.

(67)Mrs.S.Radha Gopalan, learned counsel appearing for the respondents 5 to 18 submitted that the Hon'ble Supreme Court, in ***Sindhi Sahiti's case [cited supra]*** reported in ***1977 [1] SCC 403*** as well as in ***Capital Multi Purpose Cooperative Societies, Bhopal and Others Vs. State of Madhya Pradesh and Others*** reported in ***AIR 1967 SC 1815***, held that the right of a person to object to the Scheme was confined only to four grounds, adumbrated in Section 99 of the Act. The four grounds are [a]efficient [b]adequate [c]economic and [d]properly coordinated transport services.

(68)Mrs.S.Radha Gopalan, learned counsel for respondents 5 to 18, relying on the aforesaid judgments, submitted that the petitioners had not raised any of the

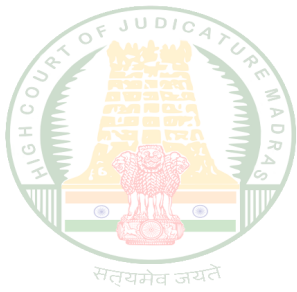


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said four grounds in the affidavits. The learned counsel submitted that even though the objection was raised by the respondents in paragraph No.4 of their counter, there was no denial of the same. The learned counsel further submitted that a perusal of the objections extracted in the aforesaid Scheme would reveal that none of the objectors raised the aforesaid four objections. The learned counsel therefore submitted that in the light of the aforesaid judgments of the Hon'ble Supreme Court, the failure to raise the permissible objections under Section 99, is fatal to the petitioners' case.

(69)In ***Sindhi Sahiti's case [cited supra]***, the Hon'ble Supreme Court in paragraphs No.15, 21 and 25, held as follows:-

"15. The appellant under Section 68-D of the Act preferred objections to the scheme. The objections were four in number. First the scheme is mala fide as it is intended "to avert (sic) issuance of permits on these routes to private operators". Second the scheme is published without the undertaking forming the requisite opinion under Section 68-C of the Act. Third the scheme is discriminatory. Two permits of the appellant are proposed to be curtailed whereas 14 permits on Sagar-Rehli-Garhakota route have been left over. Fourth the scheme does not fulfil the fourfold tests in Section



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68-C of the Act.

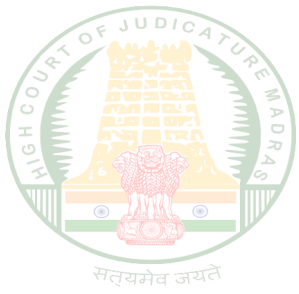
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21. The State Secretary rightly held that the four-fold purposes indicated in Section 68-C of the Act are established. This Court in Capital Multipurpose Cooperative Society, Bhopal v. State of M.P. [AIR 1967 SC 1815 : (1967) 3 SCR 329] said that the right of a person to object to the scheme is to be confined only to the four grounds, namely, that the scheme did not provide (a) efficient, (b) adequate, (c) economical and (d) properly coordinated transport services. The scheme in the present case amply establishes that it fulfils the four purposes mentioned in the Act.

.....

25. It is not only competent but also conscionable that a scheme for nationalisation can be complete or partial. The efficiency as well as adequacy of the scheme is advanced by such policy decisions of complete or partial nationalisation of routes. See H.C. Narayanappa v. State of Mysore [AIR 1960 SC 1073 : (1960) 3 SCR 742] . Under Section 68-D of the Act the only scope for objection is whether the scheme is efficient and adequate and not whether exclusion is complete or partial. Objections are confined only to the four grounds of efficiency, adequacy, economy and proper coordination of road transport service. Exclusion can be attacked only on



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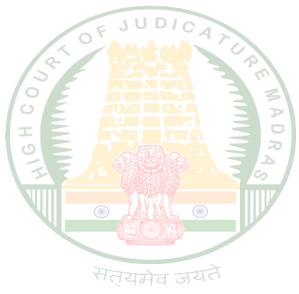


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these four grounds. There was never any objection to the scheme on exclusion related to any of these grounds. The State Secretary in his order, on hearing the objections, rightly said that the Sagar-Rehli-Garhakota-Patharia route is not to be taken for exclusive operation because there is no mention at all of the route. The scheme in clause (5) has specifically mentioned which routes are for operation by the State Transport Undertaking in conjunction with others. The exclusion of the appellant from route on which the appellant had earlier operated cannot be said to challenge efficiency, adequacy, economy or proper coordination."

(70) So also in ***AIR 1967 SC 1815 [Capital Multi Purpose Cooperative Societies, Bhopal and Others Vs. State of Madhya Pradesh and Others]***, the Hon'ble Supreme Court, held as follows:-

"8. The third contention raised on behalf of the appellants is that the orders approving and modifying the schemes in this case do not show that the authority had applied its mind to the question whether the schemes were such as to subserve the purposes of providing an efficient, adequate economical and properly coordinated transport service. Reliance in this connection is placed on certain American cases which hold that the lack of an express finding necessary under a statute to validate an order of an

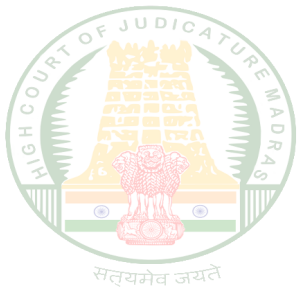


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administrative agency cannot be supplied by implication. When therefore such an administrative agency is required as a condition precedent to an order to make a finding of facts the validity of the order must rest upon the needed finding. If it is lacking the order is ineffective and the lack of express finding cannot be supplied by implication. It is unnecessary for us to refer to the American cases in detail; it is enough to say that the principles enunciated above may be unexceptionable where the existence of a finding is necessary for taking action, but that depends upon the words of the statute and therefore we must now turn to the words of Section 68-C and Section 68-D. We have already indicated that the State Transport Undertaking publishes a scheme when it has arrived at a certain opinion. After the scheme is published under Section 68-C any person affected by it can object within 30 days under Section 68-D(1). Thereafter the State Government considers the objections and gives an opportunity to the objector to be heard and also to the State Transport Undertaking. Thereafter the State Government or the authority authorised by it either approves or modifies the scheme or even rejects it. There is no express provision in these two sections laying down that the authority hearing objections must come to some finding of fact as a condition precedent to its final order. As such no express finding as

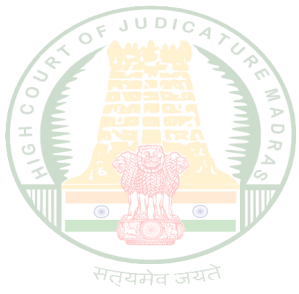


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envisaged in the American cases is necessary under Section 68-C read with Section 68-D that the scheme provides an efficient, adequate, economical and properly coordinated road transport service. Besides we are of opinion that the whole object of hearing objections under Section 68-D is to consider whether the scheme provides an efficient, adequate, economical and properly coordinated road transport service. After hearing objections the State Government, or the officer authorised by it has either to approve or modify, or if necessary, to reject the scheme. Where the scheme is approved or modified it necessarily follows in our opinion that it has been found to provide an efficient, adequate, economical and properly coordinated transport service; if it is not of that type, the State Government or the authority appointed to hear objections would reject it. In the absence of a provision requiring an express finding in these two sections it seems to us that the very order of the State Government or the authority appointed by it to hear objections must be held to mean either, where the scheme is approved or modified, that it subserves the purposes mentioned in Section 68-C, or, where it is rejected, that it does not subserve the purposes. Section 68-D(2) does not require in our opinion any express finding, and even if there is none in the present case, it would not invalidate the orders



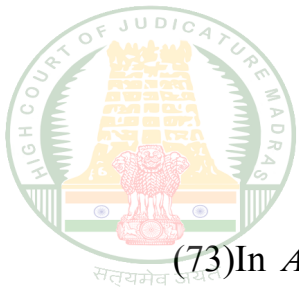
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passed by the authority hearing the objections. The argument on behalf of the appellants under this head is also rejected."

(71)As rightly contended by the learned counsel for the respondents 5 to 18, none of the petitioners have raised the four objections and **therefore, as held in the aforesaid judgment, in the absence of such objections, it is not open to the petitioners to challenge the scheme on grounds other than those statutorily provided.**

(72)It is further seen that the Scheme does not totally exclude the STUs, but it only includes the mini bus operators, and so, it cannot be said that the relaxation is meant to sabotage the Approved Scheme in favour of the private operators. The Scheme only provides for relaxation in favour of mini bus operators and that too, with a view to sub-serve public interest and hence, as held by the Hon'ble Supreme Court, in the case of *Afsar Jahan Begum Vs. State of Madhya Pradesh and Others*] reported in 1996 [8] SCC 38, and *AP State Road Transport Corporation Vs. petitioner.V.Ramamohan Chowdhary and Others* reported in 1992 [2] SCC 235, the Government has the power to formulate the new Scheme under Section 100 of the Act.



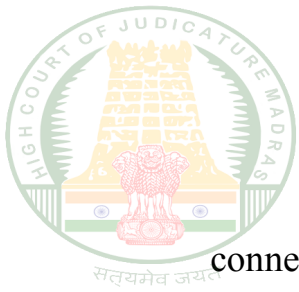
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(73) In *Afsar Jahan Begum's case [cited supra]*, the Supreme Court held as follows:-

"7. In this view of the matter, the only relaxation from the frozen notified route or area from the Scheme is, as provided in the Scheme itself. Every operator on any route, intersecting the notified route, has, of necessity, to ply the vehicles strictly in conformity with the restrictive corridor shelter and no more. The relaxation is not meant to sabotage the approved scheme but to subserve public interest."

(74) Moreover, it is also to be noted that the Act provides for formulation of a new Scheme and therefore, it cannot be stated that the Government has no power to formulate a new Scheme. The only condition is that the Government is bound to follow the procedure contemplated under the Act. In the present case, the materials on record disclose that the procedure has been followed.

(75) It is further seen from the materials placed before this Court that the State Government had taken a policy decision to include the mini bus operators by approving the new Scheme with the avowed object of providing the last mile connectivity to the unserved areas. One of the reasons for formulating the new Scheme was the rapid development in new rural areas and the lack of

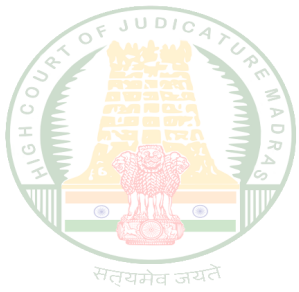


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connectivity to towns and cities. The respondents recognizing the right to free movement and access to roads as a fundamental right, formulated the new Scheme. According to the respondents, the new Scheme was formulated purely in public interest with a view to provide the last mile connectivity. The respondents in their written submissions, clearly stated that the Scheme would cover 25,708 Kms and a total number of 90,000 villages would be benefited with approximately 1 Crore public having access to bus transport which they were deprived of for over 75 years of independence. Considering the benefits that the Scheme would provide to the rural public, the objections viewed from this angle also deserve to be rejected.

(76) It is also to be noted that the object of the Act of Act 41/1992 was only to validate the permits granted during the period from 04.06.1976 to 30.06.1990 to the private operators in view of the nationalization of the bus service by the State Government, as otherwise the petitioners would have had to stop the services. Even the wordings of sub-section [4] of Section 6 are relevant for the purpose of finding out if there is a total bar from formulating a new scheme.

(77) Section 6[4] of the Act 41/1992 reads as follows:-



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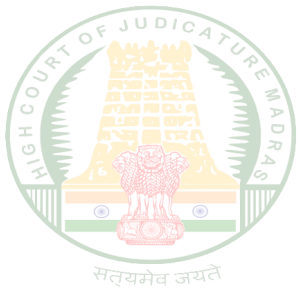
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***'6[4]:Notwithstanding anything contained in this Act,
no new permit shall be granted under this Act, to any
person or any route covered by an approved Scheme.'***

(78)The aforesaid provision makes it very clear that no new permit shall be granted under the Act, to any person or any route covered by the approved scheme. The said Act was not enacted for the purpose of granting new permits nor for regulating the grant of permits in the State of Tamil Nadu. The State Act cannot override the Central Act. As already stated, Act 41/1992 is only a validating Act and it is not an enactment repealing the Central Act. The Act was basically intended to remove the hurdle created by the decision of the Apex Court in ***M.A.Egappan's case [cited supra]***. It is crucial to note here that it is only in recognition of the rights of the petitioners granted under Act 41/1992, that the saving provision has been included in the impugned Government Order.

(79)The objections with respect to the bar under Section 6[4] of the Act 41/1992 were also answered by the Learned Judge in paragraph No.157 of the order dated 28.07.2000 in ***WP.No.19067/1999 etc., batch***, which reads as follows:-

"157.The provisions of Chapter VI of the Central Act



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remains intact and the State Act 41/1992 in no matter, scuttles or restricts or interferes with the operation of the said Chapter, nor the provisions of Tamil Nadu Act 41/1992 has excluded the operation of either Chapter V or VI to the State of Tamil Nadu. If by the terms of the approved scheme a permit could be granted, such grant is not prohibited by Section 6[4] of Tamil Act No.41/1992. Section 6[4] has to be read in the context of the said enactment as a whole and the contention advanced by Mr.Palani that Section 6[4] will have overriding effect on all enactments including Chapter V or VI of the Central Act, 1988 and will be operative forever cannot be sustained. Such a contention, if accepted it would render the very provisions of the Tamil Nadu Act 41/92 ultra vires. In the light of the judgment of the Apex Court as well as while following the view taken by S.Jagadeesan, J, this Court also answers these two contentions against the writ petitioners and in favour of the respondents."

(80)In view of the aforesaid discussions, the objections of the petitioners with respect to Section 6[4] of the Act 41/1992, cannot also be sustained. Hence, issues No.5, 6 and 7 are also answered in negative.

Issue No.8:-Under the impugned scheme, whether the 1st respondent can validate the proceedings granted under the withdrawn scheme made in



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G.O.Ms.No.33, Home [Transport-I] Department, dated 23.01.2025, inasmuch as that Government Order was withdrawn, as the same is illegal, in view of the decision of the Hon'ble Supreme Court of India rendered in [2018] 4 SCC 515?

(81)Learned counsel for the petitioner submitted that G.O.Ms.No.33, dated 23.01.2025, published on 24.01.2025, was withdrawn as the same was hit by the decision of the Hon'ble Supreme Court in ***B.A.Linga Reddy's case***, and therefore, when the said Government Order was withdrawn, no proceedings taken under the withdrawn Notification could be validated. The learned counsel relied on the judgment of the Hon'ble Supreme Court reported in ***2011 [3] SCC 436*** and ***1996 [7] SCC 343*** in support of his contention.

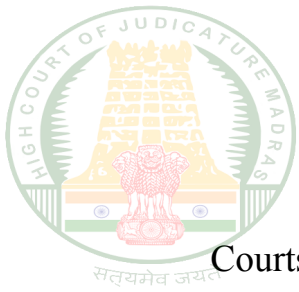
(82)The Government of Tamil Nadu took a policy decision as early as in the year 1999 to grant mini bus permits to private operators to serve the unserved rural area. The aforesaid decision of the Government had a checkered history and suffice it to say that the impugned Notification is the latest endeavour of the Government to permit mini bus operators to serve the unserved rural areas. The history of the litigation upto the impugned Notification has already been narrated in pre-paragraphs and therefore, to avoid prolixity, it is not traversed. The 1999 Scheme was upheld by this Court. Right from the year 1999, the mini bus operators have been operating by virtue of permits granted by the



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Government. The impugned Scheme is formulated for the entire State of Tamil Nadu whereas the earlier Scheme formulated, was District-wise Area Scheme for each revenue District. Since some of the of the Districts were bifurcated and trifurcated over the period of 30 years, the Government thought it fit to formulate a Comprehensive Area Scheme for the entire State for the convenience of the STUs to operate their services, by including the already existing mini bus operators under the partial exclusion clause. The avowed object of the Scheme is to improve the accessibility of the bus services in urban and rural areas so as to ensure the last mile connectivity to the public. To protect the existing mini bus operators, the Government introduced the 'Deeming Clause' validating the proceedings of the Regional Transport Authorities under the earlier Notification [withdrawn]. The withdrawal of the earlier Notification, in my view, does not *ipso facto* obliterate or nullify actions already undertaken or the rights accrued unless a contrary intention is spelt out in the Scheme itself. The Government, in order to avoid disruption of services, multiplicity of litigations and hardship to the permit holders and passengers alike, introduced the deeming clause.

(83)The fiction created under the deeming clause is not alien to law and the

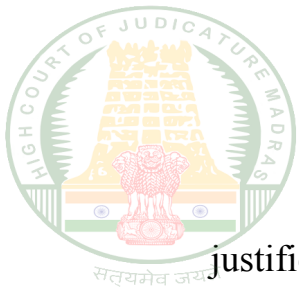


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Courts have consistently recognized deeming provisions in the Notifications as transitional so as to avoid discontinuity. In my view, the invalidation of past actions would lead to serious disruption of services and therefore, to avoid chaos in the administration of the transport system, there is nothing wrong in the respondents incorporating a deeming provision validating the proceedings of the RTAs. The judgments relied on by the learned counsel for the petitioners do not apply to the facts of this case as the impugned Scheme, which is recognized as law, by the Hon'ble Supreme Court, validates the proceedings under the withdrawn Scheme. I am therefore of the view that the validation of acts already done under the withdrawn Scheme, is legally sustainable and the contentions to the contrary, cannot be accepted. **Hence, Issue No.8, is answered against the petitioners.**

Issue No.9:Whether the respondent is justified in enlarging the scope of approved scheme, by including the clause, namely, "MIGRATION" contemplated under Clause XII, which is not contemplated under the draft proposal dated 14.06.2024?

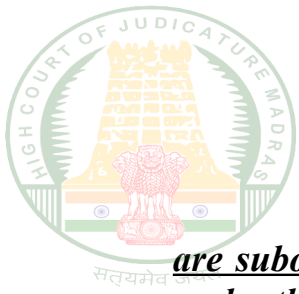
(84)The learned counsel for the petitioner submitted that the respondents were not



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justified in enlarging the scope of approved Scheme by including the clause namely 'Migration' which was not contemplated under draft proposal dated 15.06.2024. It is the respondents specific case that though Migration was not exactly stipulated in the draft proposal, the aspect of preference was brought in, stating that, if none of the operators came forward for New Comprehensive Scheme, then preference will be given to existing permit holders. From the written arguments of the respondents, it is seen that the issue of Migration was raised during public hearing, as a suggestion and the 1st respondent taking it as valuable suggestion, incorporated it in the final Scheme. According to the respondents, the Migration as such does not curtail anybody's right but opens a level playing field for all operators to exercise their option and as such no prejudice would be caused to the existing operators or fresh applicants. From the counter of the respondents, it is clear that it was at the suggestion of the stakeholders that the migration clause was incorporated and **therefore, I find no merit in the contention of the petitioners and accordingly, Issue No.9 is rejected.**

Issues No.10 and 11:-Whether the respondent is justified in enabling the RTA to formulate the route for the grant of mini bus permits, as if the same is contemplated under Section 68[3][ca] of the Act, 1988 ; and whether the RTAs,



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are subordinate or delegatee of the Transport Commissioner, as contemplated under the impugned scheme?

(85)The learned counsel for the petitioners submitted that under the impugned Scheme the respondents enabled the transport authorities to formulate rules for plying mini buses by resorting to Section 68[3][ca] of the Act. The learned counsel further submitted that the vires of Section 68[3][ca] was challenged before the High Court of Andhra Pradesh and the Andhra Pradesh High Court in **2002 [2] ACC Para 9**, held that the Regional Transport Authority had no power to formulate routes and that, it was only the Government which had the power to formulate the same. Therefore, the learned counsel for the petitioners submitted that in the present case, the power conferred upon RTAs to formulate the routes is without authority of law.

(86)Learned Advocate General appearing for the 1st respondent, refuting the aforesaid contention of the learned counsel for the petitioners vehemently opposed the usage of the term "resorting to" with reference to Section 63[3][ca] of the Act. The learned Advocate General further submitted that under the aforesaid Section, the State Government had necessary powers to formulate the routes and it is nowhere mentioned in the aforesaid Section that such power is confined for the formulation of routes for grant of permits on the non-

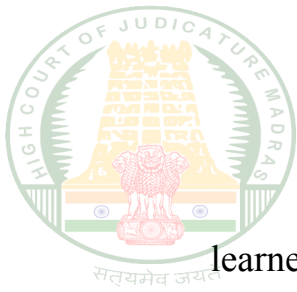


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nationalized routes. The learned Advocate General submitted that the State Government can delegate the power to discharge such other functions to the State Transport Authority under Section 68[3][d]. The learned Advocate General further submitted that as per 68[3][a] the State Transport Authority had the power to coordinate the activities of the Regional Transport Authority and so, the power to formulate the routes delegated to the RTAs under Section 68[5] of the Act could not be questioned.

(87) Mrs.S.Radha Gopalan, learned counsel appearing for the respondents 5 to 18 adopted the argument of the learned Advocate General in this regard.

(88) The objections of the learned counsel for the petitioner with regard to Section 68[3][ca] that the Government alone could formulate the Rules and the same could not be delegated, were also considered by the learned Judge in **V.Senthil's case** and the same was also followed by another learned Judge of this Court, in W.P.(MD)Nos.5482/2010, 5483/2010 and 7259/2010 dated 04.02.2011. During the pendency of the writ petition in WP.[MD].No.5482/2010 etc., the Government amended Rule 149 of the Motor Vehicles Rules, and so the Rule was challenged. The learned Judge held that there was no excessive delegation in view of the amendment to Rule 149. The



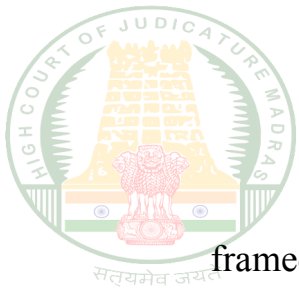
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learned Judge held that it was well within the power of the State to confer such power on the Transport Authorities. The relevant paragraph reads as follows:-

“46.This court do not find any substance in the contentions raised by the counsel for the petitioners. Whether one likes it or not, the operation of mini buses have come to stay. It is the intention of the Government to further extend it to remote hamlets, so that a large number of traveling public will be benefited. Therefore, one cannot put spokes in the wheel and wreck the scheme made by the respondent State. Further, there are no excessive delegation in amending the Rule 149 and it is well within the power of the State to confer such a power. It must also be noted that none of the State Transport Undertaking are before this court. It is not disclosed as to whose interest the petitioners are canvassing in these writ petitions.”

(89)In view of the aforesaid judgment of this Court, **Issues No.10 and 11 are rejected.**

(90)The petitioners are stage carriage operators and they are enjoying permits saved by the Tamil Nadu Act 41/1992. The petitioners' operations are protected under the impugned Scheme and further, the impugned Scheme is

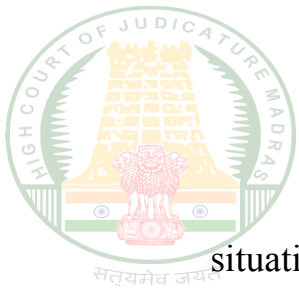


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framed to cater to the needs of the rural public, that too, in unserved sectors.

The petitioners cater to the transport services in served sectors and therefore, no prejudice is caused to the petitioners by the impugned Scheme. The respondents contended that some of the members in the petitioner's Association in WP.No.18184/2025 are beneficiaries of the impugned Scheme. Be that as it may, this Court is of the view that the object of the Scheme is to provide last mile connectivity to the rural public who face great difficulty in reaching the towns and cities for lack of adequate transportation facilities. The present Scheme is framed to ensure that the villagers from remote areas of the State, by availing the mini bus services, would reach the nearest town or city in stead of walking miles to reach the nearest bus stand / stop.

(91)The Constitution recognizes the right to free movement under Article 19[1][d]. Recognizing the constitutional right, the respondents formulated a Scheme to ensure that the rural public have unrestricted movement from the remote villages to the towns and cities. It is a matter of common knowledge that the road infrastructure in the villages is in deplorable conditions making it difficult for regular buses to operate in such areas. Taking note of this



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situation, the Government, in its wisdom, considered the need of the rural population and resolved that mini buses, being more suited and adaptable to the rural roads, should be deployed for this purpose. It is well settled law that policy decision of the Government cannot be reviewed by this Court under Article 226.

(92) This Court would like to point out that by including the mini bus services, the Government has not shut the doors of the STUs which is evident from the fact that permits have been issued to STUs for plying mini buses. The inclusion of the mini bus operators in the State transport system, is not to sabotage the transport services of the STUs, but to facilitate better transport.

(93) Before parting, this Court notes that the history of the litigation demonstrates the petitioners' consistent opposition to the inclusion of the mini buses in the State Transport system. Such resistance cannot be permitted to continue. Accordingly, the introduction of the Mini Buses in the unserved sectors of the State transport system, being indisputably in furtherance of public convenience, warrants judicial affirmation.

(94) For all the above reasons, I find absolutely no merit in the writ petitions.

(95) Accordingly, all the writ petitions are **dismissed**. No costs. Consequently,



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connected miscellaneous petitions are closed.

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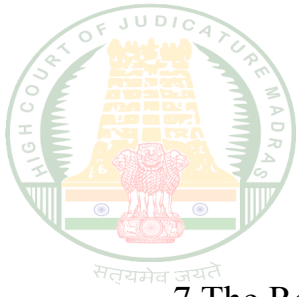
25.09.2025

AP

Index : Yes
Internet : Yes
Speaking Order : Yes
Neutral Citation : Yes

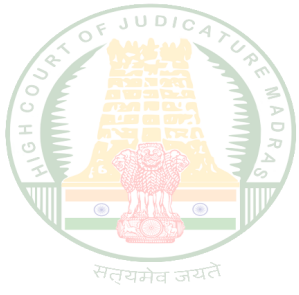
To

- 1.The Addl.Chief Secretary to Government
State of Tamil Nadu
Home [Transport I] Department
Fort St. George, Chennai 600 009.
- 2.The Secretary to Government
The State of Tamil Nadu
Home [Transport I] Department
Fort Saint George,
Chennai 600 009.
- 3.The Transport Commissioner
Guindy, Chennai 600 032.
- 4.The Regional Transport Authority
Tiruchirappalli District, Tiruchirappalli.
- 5.The Regional Transport Authority
cum District Collector, Tiruppur District.
- 6.The Regional Transport Authority
Erode District, Erode.



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- 7.The Regional Transport Authority
Perambalur District, Perambalur.
- 8.The Regional Transport Authority
Salem District, Salem.
- 9.The Regional Transport Authority
O/o.The District Collector
Krishnagiri District, Krishnagiri.
- 10.The State Transport Secretary
O/o.The State Transports
Ezhilagam, Chennai.
- 11.The Transport Commissioner
O/o.The Transport Department
Secretariat, Chennai.
- 12.The Regional Transport Authority
Regional Transport Office, Thiruvarur.



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N.MALA, J.

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Common order in
WP.Nos.18184, 18175, 20108, 22938,
22947, 22952, 22966, 23549, 23553,
23555, 23556, 23558, 23560, 23718,
24232, 25089, 25092, 25454, 25457, 25461,
25462, 25535, 25536, 25748, 25749,
26299 & 26301/2025

25.09.2025