



W.A.(MD)No.1733 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1733 of 2025

R.Lakshmi Narayanan

... Appellant

Vs.

1.The State Transport Appellate Tribunal,
City Civil Court Campus,
Chennai – 600 104.

2.The Regional Transport Authority,
Trichy District,
Trichy.

3.C.Shanmugasundaram

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.20145 of 2021 dated 15.11.2022 on the file of this Court.

For Appellant : Mr.A.C.Asaithambi

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R2.



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JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned counsel for the appellant and the learned Additional Government Pleader for the second respondent.

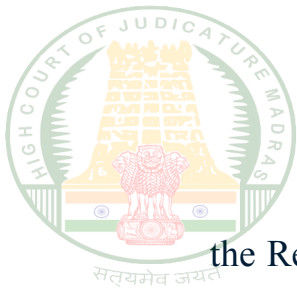
2.The appellant herein was a holder of mini-bus permit for the route Manapparai R.V.Mahal to Veerakovilpatti. It was stage carriage permit. It was valid for a period of five years from 13.12.2001 to 12.12.2006. The appellant submitted his application for renewal on 02.11.2006. It came to be rejected on 03.06.2008. The appellant thereupon filed an appeal before the Tribunal. The Tribunal vide order dated 05.11.2009 remanded the matter to the file of the Regional Transport Authority. Questioning the same, the appellant filed W.P.(MD)No.9332 of 2010. The Writ Court vide order dated 04.08.2010 declined to interfere with the order of remand made by the State Transport Appellate Tribunal. It directed the Regional Transport Authority to pass order on the appellant's application for renewal and also consider his request for replacement of the vehicle. The Regional Transport Authority did not pass any order on the appellant's applications



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one for renewal and the other for replacement of the vehicle. The appellant therefore filed W.P.(MD)No.26708 of 2019 for issuing a Writ of Mandamus to direct Regional Transport Authority, Trichy to dispose of his applications. The writ petition was disposed of on 28.01.2020. Pursuant to the direction given by this Court, the Regional Transport Authority took up the matter and once again rejected the appellant's requests vide order dated 28.02.2020. Challenging the same, the appellant filed M.V. Appeal No.46 of 2020 before the Tribunal. The Tribunal rejected the appellant's appeal vide order dated 16.08.2021. Questioning the same, the appellant W.P.(MD)No.20145 of 2021. The learned Single Judge vide order dated 15.11.2022 dismissed the writ petition. Aggrieved by the same, this writ appeal has been filed and it has been listed for admission only today ie., 30.06.2025.

3.After hearing the learned counsel on either side, we are of the view of that the order of learned Single Judge has to be necessarily confirmed. This is for more than one reason. Admittedly, the appellant had not been an operator for the last 19 years. It is true that Section 81(4) of the Motor Vehicles Act, 1988 stipulates some grounds on which



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the Regional Transport Authority or State Transport Authority may reject an application for renewal. But those grounds cannot be considered as exhaustive. In our view, this statutory provision must be read along with a few other provisions such as, Section 83 and 86(1)(c) of the Motor Vehicles Act, 1988 and also Rule 172(6) and 202 of Tamil Nadu Motor Vehicles Rules. The said provisions are as follows:-

“Section 83. Replacement of vehicles.—The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.

Section 86. Cancellation and suspension of permits.—
(1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit—

(c) if the holder of the permit ceases to own the vehicle covered by the permit,

Rule 172. Transport vehicles — permit condition.— (6)
It shall be a condition of the permit of every transport vehicle that the vehicle will be so maintained as to be available for the service for which the permit was granted for the entire period of currency of the permit and that the permit is liable to be suspended or cancelled, after due notice to permit holder if the vehicle has not been used for the purpose for which the permit was granted for a continuous period of more than ten days during the period for which the permit authorise the use of the vehicle on the road, unless the holder of the permit had



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obtained in writing the prior permission of the Transport Authority to suspend the service of the vehicle for a specific period exceeding ten days:

Provided that no holder of a permit shall ordinarily be granted permission to suspend the service of the vehicle for a continuous period exceeding twenty days at a time:

Provided further that the period may be extended by such further period or periods, as the Transport Authority thinks fit: Provided also that the holder of a permit shall pay the fee prescribed in the Table under rule 279.

Rule 202. Rejection of application.- Upon receipt of an application under rule 201 the Transport Authority may in its discretion reject the application-

(i) if it has previous to the date of the receipt of the application, given reasonable notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle proposed differs in material respects from the old; or

(iii) if the holder of the permit has contravened the provision thereof or has been deprived of possession of the old vehicle under the provisions of any agreement of hire purchase.”

4. We are therefore of the view that at the time of submitting an application for renewal, the applicant must possess the vehicle. In this

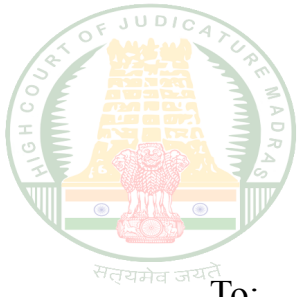


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case, when the application came to be disposed of in the year 2008, admittedly, the appellant was not possessing the vehicle as he had already disposed of the vehicle. The statutory provisions are very clear. Without getting permission from the authority, the vehicle covered by permit cannot be disposed. Section 86(1)(c) of the Act states that if the holder of permit ceased to own the vehicle covered by the permit, the permit itself can be cancelled or suspended. This provision can also be extended to the case of renewal. The authority was therefore justified in holding that since the holder of the vehicle had ceased to own the vehicle covered by the permit, the permit itself cannot be renewed. We do not find any ground to interfere with the order of the learned Single Judge. The orders passed by the Tribunal as well as the authorities stand confirmed. The writ appeal stands dismissed. No costs.

(G.R.S. J.) & (K.R.S. J.)
30.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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