

W.A.(MD)Nos.1359 and 1360 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2025

CORAM

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

**W.A.(MD)Nos.1359 and 1360 of 2023
and
C.M.P.(MD)Nos.10036 and 10337 of 2023
and
C.M.P.(MD)Nos.1338 and 1339 of 2024**

W.A.(MD)No.1359 of 2024:-

T.S.Rajasekar

... Appellant

Vs.

1.Kombiah Devar

2.The Regional Transport Authority
Cum District Collector,
Tirunelveli.

... 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.8910 of 2022 dated 08.08.2022 on the file of this Court.



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For Appellant : Mr.M.Palani

For Respondents : Mr.R.Murugapooapathy for R1.
Mr.N.Satheeshkumar,
Addl. Government Pleader for R2.

W.A.(MD)No.1360 of 2024:-

T.S.Rajasekar

... Appellant

Vs.

1.Kombiah Devar

2.The Regional Transport Authority
Cum District Collector,
Tirunelveli.

... 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.9027 of 2022 dated 08.08.2022 on the file of this Court.

For Appellant : Mr.M.Palani

For Respondents : Mr.R.Murugapooapathy for R1.
Mr.N.Satheeshkumar,
Addl. Government Pleader for R2.



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

Heard both sides.

2.These writ appeals are directed against the order dated 08.08.2022 allowing W.P.(MD)Nos.8910 and 9027 of 2022 filed by the first respondent herein.

3.The first respondent herein is the owner of two mini buses bearing Registration Nos.TN-45-N-0125 and TN-59-N-0299. He was granted two bus permits permitting him to ply on the route ie., Kalakkad to Melasadayamaankulam. The bus permits were cancelled by the District Collector / Regional Transport Authority vide order dated 31.01.2017 on the ground that the mini buses were alienated without permission and that he was not plying on the unserved sector and that he was plying in contravention of the permit conditions. Aggrieved by the said order, the respondent herein filed appeals before the State Transport Appellate Tribunal, Chennai. The appeals were not filed in time. They were filed with the delay of 152 days. The Tribunal declined to entertain



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the appeals on the ground that they were filed beyond the condonable period. Challenging the order passed by the Tribunal, the first respondent herein filed W.P.(MD)Nos.7000 and 7001 of 2019. The learned Single Judge disposed of both the writ petitions vide order 14.09.2021 in the following terms:-

"15. Therefore, for all these reasons, this Court is inclined to dispose of these writ petitions with the following order:

"that the impugned orders passed by the respondent is set aside, and the delay of 152 days, caused in filing the appeals by the petitioner is also condoned, and as a sequel, there shall be a direction to the Tribunal to entertain the appeals, and decide the same, on merits and in accordance with law. Hence, it is for the petitioner to file or resubmit the appeal papers within two weeks from the date of receipt of a copy of this order to the Tribunal, and on receipt of the same, needful as indicated above, shall be undertaken by the Tribunal."

4. Pursuant to the said direction, the appeals filed by the first respondent herein were numbered as M.V. Appeal Nos. 46 and 47 of 2021 by the State Transport Appellate Tribunal, Chennai. However, vide order dated 16.12.2021, both the appeals were dismissed. Challenging the



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same, the first respondent herein filed W.P.(MD)Nos.8910 and 9027 of 2022. The learned Single Judge allowed the writ petitions vide order dated 08.08.2022 in the following terms:-

“8.Considering the submission and on perusal of the materials, it seen that till date mini buses stands in the name of the petitioner, permit in the name of the petitioner till cancellation of permit. None were examined to confirm the allegations about the petitioner violating the condition, demanding extra charges, violating route. The said A.Essac not examined by the Regional Transport Authority and there is no check report produced in this case. The public complaint for seeking service of mini buses. As regards the petitioner, there is nothing against in the representation. The mini bus number violating conditions are not available. The petitioner is an uneducated person not denied. Further, as per Section 86 (1) (C) of the Motor Vehicle Act, cancellation and suspension of permit is permitted, if the holder of the permit seizes to own vehicle covered by the permit or the holder of permit has obtained permit by fraudulent or misrepresentation or violating any of the conditions under Section 84 of the Motor Vehicle Act. In this case, no such condition prevails. Further, as per Section 86 (5) of the Motor Vehicle Act, the transport authority may, instead of cancelling or suspending the permit, as the case may be, recover from the holder of the permit the sum of money agreed upon, which amounts to compounding charges as per Section 206 of the MV Rules.



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9. In view of the same, this Court finds that name of the mini bus still stands in the name of the petitioner. The Regional Transport Authority and the State Transport Appellate Tribunal is not considered this vital aspect. The corresponding records available with the transport authorities. The orders passed by the State Appellate Tribunal, dated 16.12.2021 and Regional Transport Authority, dated 31.01.2017 are hereby set aside. If the petitioner is otherwise eligible, the petitioner may be granted permit to run two of the mini buses. The permit for both the mini bus Registration Nos. TN-45-N-0126 and TN-59-N-0299 can be renewed on payment of requisite fees and charges. These writ petitions stands disposed of. No costs."

Aggrieved by the same, these third party appeals have been filed.

5. This Court considering the fact that the appellant is having stake in the matter in the overlapped sector granted leave and also interim stay.

6. The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal. He pointed out that the earlier order dated 14.09.2021 passed by the learned Single Judge in W.P.(MD)Nos.7000 and 7001 of 2019 is without jurisdiction. According to him, an appeal before the Tribunal should have been filed within thirty



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days. The Motor Vehicles Act, 1988 does not provide for any condonation. The provisions of the Limitation Act stood excluded. Therefore, according to the learned counsel for the appellant, the appeal itself was patently incompetent. Secondly, the order of cancellation was passed based on the statement given by the first respondent herein. The learned counsel took us through the contents of the statement and it can be seen therefrom that the first respondent had submitted to whatever order that may be passed by the Regional Transport Authority. In other words, the first respondent had pleaded guilty to the charges levelled against him. In terms of the submission made by the first respondent, an order of cancellation was passed by the District Collector. Hence, the first respondent cannot be said to be an aggrieved individual. The learned counsel drew our attention to Section 89 of the Motor Vehicles Act which enables only an aggrieved individual to prefer appeals. In this case, the first respondent herein cannot be considered as an aggrieved individual. The learned counsel also pointed out that the allegations made against the first respondent were fairly serious and that therefore, according to him, the learned Single Judge erred in allowing the writ petitions.



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7.Per contra, the learned counsel for the writ petitioner submitted that the order of the learned Single Judge is well reasoned and that it does not call for interference.

8.We carefully considered the rival contentions and went through the materials on record. As regards the first ground of objection raised by the learned counsel for the appellant, we are of the view that the appellant has missed the bus. If according to the appellant, the order dated 14.09.2021 allowing W.P.(MD)Nos.7000 and 7001 of 2019 was bad in law, writ appeals ought to have been filed against the said order. Having allowed the said order to work itself out, it is too late in the day to now canvass on the maintainability of the appeals filed by the first respondent herein before the Tribunal on the ground of limitation. We, therefore, reject this contention advanced by the learned counsel for the appellant.

9.We cannot also subscribe to the contention advanced by the learned counsel for the appellant that the first respondent herein cannot



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be treated as an aggrieved individual. The fact remains that the bus permits issued in his favour were cancelled. Obviously, he was justified in feeling aggrieved about the order of cancellation and mounting a challenge. It is true that before Regional Transport Authority, the first respondent herein appears to have signed on the dotted lines. The original file was made available by the learned Additional Government Pleader. The letters in which the first respondent had put his signature are computer typed. The learned counsel for the writ petitioner would remark that the first respondent herein was labouring under the impression that some penalty will be imposed on him and that is why, he decided to submit to the action taken by the Regional Transport Authority. The first respondent did not anticipate that an extreme order of cancellation of the permits would be passed by the Regional Transport Authority.

10.The core allegation made against the permit holder was that he sold the mini buses in favour of A.Essac, S/o.Arumugam. But the said Essac was never examined. The reason as to why the cancellation order was interfered with has been set out in Paragraph No.8 of the order of the



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learned Single Judge. We concur with the reasons assigned by the learned Single Judge. In matters such as this, the authority must rest the order on independent material. Except the statement of the writ petitioner that appears to have been obtained under dubious circumstances, there is no other material to sustain the cancellation order.

11.Two aspects have swayed our discretion in favour of the writ petitioner. For the last nine years, the first respondent had not been able to operate his mini buses. Even if the transgression ascribed to the writ petitioner are taken to be true, loss of business for nine years would constitute more than a sufficient punishment. Secondly, a new scheme has now been introduced and it appears to be a liberalized scheme. It is for these twin reasons, we decline to interfere with the order of the learned Single Judge and the writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
31.07.2025

NCC : Yes/No
Index : Yes / No

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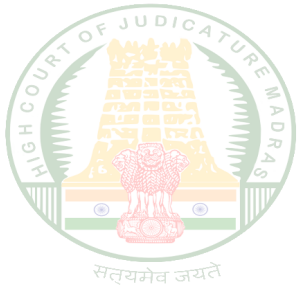
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To:

The Regional Transport Authority
Cum District Collector,
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G.R.SWAMINATHAN, J.
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