



W.A.(MD)No.1573 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.1573 of 2021
and
C.M.P.(MD)No.6575 of 2021**

1.The Regional Transport Authority,
Office of the Regional Transport Authority,
Tirunelveli District.

2.The Regional Transport Officer,
Tenkasi, Tirunelveli District.

... Appellants

Vs.

K.Jayasankar

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 12.03.2020 made in W.P.(MD).No.22137 of 2019 on the file of this Court.

For Appellants : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader.

For Respondent : Mr.A.C.Asaithambi



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JUDGMENT

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The writ petitioner / K.Jayasankar applied for mini bus permit for the petition mentioned route i.e., from Papanasam Senaithalaivar Bus Stop to Kalsundu Colony. The total length of the route is 8.3 kms. The writ petitioner's earlier application was rejected on the ground that the norms set out in the 2011 modified scheme were not fulfilled. Challenging the same, the writ petitioner filed W.P.(MD)No.18068 of 2018 and it was allowed vide order dated 05.10.2018 on the ground that the modified scheme was not in force. Eventually, the modified scheme was also set aside. The case of the writ petitioner was directed to be considered under old 1999 scheme.

2.The writ petitioner was unsuccessful once again. The Regional Transport Authority rejected the writ petitioner's request vide proceedings dated 26.09.2019. Challenging the same, the writ petitioner filed W.P.(MD)No.22137 of 2019. The learned Single Judge vide order dated 12.03.2020 allowed the writ petition. Challenging the same, this writ appeal has been filed.



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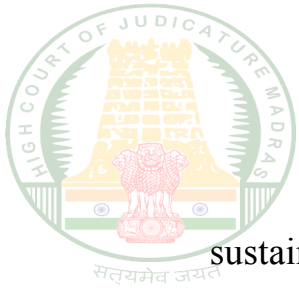
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3.The order impugned in the writ petition reads that the proposed route comes under 100% served sector. Interestingly, in the counter affidavit itself, the aforesaid finding has been completely undermined. Paragraph No.18 of the counter affidavit filed by the appellants reads as follows:-

“18.I respectfully submit that as per the orders of the Hon'ble High Court in W.P.(MD)No.18068 of 2018, Personal hearing was conducted on 26.08.2019 at Collector's Chamber, Tirunelveli. At the time of hearing Thiru.K.Jeyasankar, Cheranmahadevi was attended the hearing and submitted written statement. As per joint inspection made on 28.12.2017.

1) Total route length proposed	..	8.3 kms
2) Served sector	..	4.0 kms
3) Un served sector	..	4.3 kms”

4.When according to the joint inspection, out of total route length of 8.3 kms, served sector is only 4.0 kms and the unserved sector is 4.3 kms, it is not proper to hold that the entire route comes under 100% served sector. The learned Single Judge rightly interfered in the matter and issued direction to the authorities to issue permit forthwith. We



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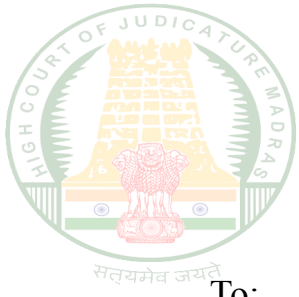
sustain the said direction. The learned counsel for the writ petitioner / respondent states that a new scheme is proposed to come into force on 01.05.2025. The learned counsel for the writ petitioner states that seeking remedy, the writ petitioner moved the appellate authority on seven occasions and moved this Court on two occasions. The writ petitioner's labour should not be allowed to go waste. We, therefore, direct the appellants to comply with the direction of the learned Single Judge immediately and forthwith and in any event, before 30.04.2025.

5.This writ appeal is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
17.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 17.04.2025.



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