



W.A(MD) No.218 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.02.2025

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

**W.A(MD) No.218 of 2021
and
C.M.P.(MD)No.654 of 2021**

- 1.The Regional Transport Authority,
(Collectorate)
Trichy District, Trichy.
- 2.The Regional Transport Officer,
Srirangam, Trichy District. ... Appellants / 1 & 2 Respondents

Vs

- 1.K.Balamurugan ... 1st Respondent / Petitioner
- 2.A.Sathiyaraja
- 3.Mahesh N.Ratnam
- 4.K.Palanivelu ... 2 to 4 Respondents / 3 to 5 Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order of this Court dated 29.07.2019 made in W.P.(MD)No.3017 of 2019 on the file of this Court.



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For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader
For Respondents : Mr.D.Sivaraman

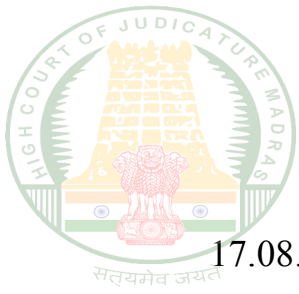
ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

In this writ appeal, the order dated 29.07.2019 made in W.P. (MD)No.3017 of 2019 is questioned at the instance of the Regional Transport Authority, Trichy.

2. The first respondent herein namely Balamurugan filed the said writ petition for enforcing the order of the State Transport Appellate Tribunal dated 17.08.2007 in Appeal No.1029 of 2004. The writ petition was allowed vide order dated 29.07.2019 by the learned single Judge.

3. When the matter was taken up for hearing, the learned Additional Government Pleader drew our attention to the fact that TNSTC, Trichirappalli filed W.P.(MD)No.18524 of 2019 and one of us (GRSJ) vide order dated 16.02.2021 quashed the said order dated



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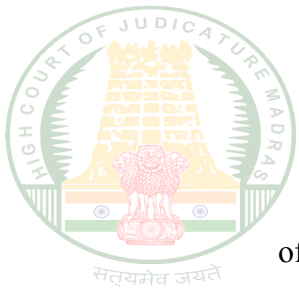
17.08.2007 passed by the tribunal in the following terms:-

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“4.I must straightaway reject the objection predicated on the principle of laches. As rightly pointed out by the learned standing counsel for the petitioner, even though the order was passed as early as on 17.08.2007, the details relating to the impugned order surfaced only when the third respondent filed counter affidavit in W.P.(MD)No.3492 of 2018. There is some controversy as to whether the petitioner made use of the impugned order immediately after obtaining it. The learned standing counsel for the petitioner would claim that the third respondent did not avail the benefit of the impugned order till the year 2018 but the learned counsel for the third respondent would claim that it is not so and that he had been operating upto the route Kulithalai Bus Stand right from the year 2015 onwards.

5.Be that as it may, the fact remains that only in the year 2019, the third respondent/K.Balamurugan filed W.P.(MD)No.3017 of 2019, for directing the authorities to carry out the necessary changes in his bus permit based on the order passed by the Tribunal. The fact that such a writ petition was filed by the third respondent in the year 2019 lends considerable force to the stand now taken by the learned standing counsel for the petitioner. Even though W.P.(MD)No.3017 of 2019 was allowed vide order dated 29.07.2019, it is now stated by the learned standing counsel for the petitioner that its operation has been stayed by the Hon'ble Division Bench in C.M.P.(MD)No.654 of 2021 in W.A(MD)No.218 of 2021.

6.The petitioner's counsel would draw my attention to Section 80



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of the Tamil Nadu Motor Vehicles Act, 1988 and contends that in the case of variations, the terminus shall not be altered. The learned counsel for the third respondent would however dispute the said proposition, by placing reliance on the decision of this Court reported in **1994 Writ L.R. 340 (Navaneetham.P and Others V. The Regional Transport Authority, Kamarajar District at Virudhunagar and Another)**. This issue need not gone into by me for the present because the impugned order came to be passed behind the back of the writ petitioner. The writ petitioner is very much an existing operator operating in the very same route. Therefore, the third respondent ought to have arrayed the writ petitioner as a respondent in Appeal No.1029 of 2004 before the State Transport Appellate Tribunal, Chennai. On this sole ground, the impugned order is vitiated as being violative of the principles of natural justice. Even though there may not be any express statutory provision in this regard, it accords with commonsense and principles of natural justice that all the existing operators are heard before any variation is effected at the instance of one of the operators. On this sole ground, the order impugned in this writ petition is quashed. The writ petition is allowed. The matter is remitted to the file of the first respondent. The third respondent will file an application for impleading the petitioner/Corporation in Appeal No.1029 of 2004 and the Tribunal will allow the same and dispose of the appeal on merits and in accordance with law after hearing not only the petitioner but also the other stakeholders.”

4. It is not in dispute that the said order allowing W.P.(MD)No. 18524 of 2019 has become final. Therefore, the very basis on which W.P.(MD)No.3017 of 2019 was allowed stands completely undermined.



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The learned counsel for the writ petitioner Balamurugan laments that the tribunal had not disposed of the appeal till date. We find merit in this contention. We direct the State Transport Appellate Tribunal, Chennai to dispose of Appeal No.1029 of 2004 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The Tribunal will go by the direction given by this Court in Paragraph No.6 of the order dated 16.02.2021 made in W.P.(MD)No. 18524 of 2019. If the record could not be traced, it shall be reconstructed immediately.

5. The writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)
03.02.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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NOTE:Registry to immediately make copy of this order to the State Transport Appellate Tribunal, Chennai.



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AND
M.JOTHIRAMAN, J.

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