



W.P.(MD) No.21124 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.21124 of 2017

and

W.M.P.(MD) No.17372 of 2017

T.Jayaraj

... Petitioner

Vs.

1.The Government of Tamilnadu
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai.

2.The Commissioner,
Kuzhithurai Municipality,
Vettuvanni,
Kanyakumari District.

3.The General Manager,
Tamilnadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay the entire entry fees from 22.08.2017 till the date of the buses operated from Vettumani Junction, Kuzhithurai Junction and in front of the third respondent's Marthandam Depot or to refund the lease amount rest of the



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period from 22.08.2017 to 31.03.2018 along with interest at the rate of 18% per annum and damages to the petitioner within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For R1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R2 : Mr.K.Vamanan

For R3 : Mr.K.Sathiya Singh

ORDER

The present Writ Petition has been filed seeking a mandamus directing the respondents to either:

- i. Pay the entire entry fees from 22.08.2017 until the date on which buses started operating from Vettumani Junction, Kuzhithurai Junction, and in front of the third respondent's Marthandam Depot, or
- ii. In the alternative, refund the lease amount for the period from 22.08.2017 to 31.03.2018.

2. The case of the petitioner is that the petitioner was granted with the right to collect the entry fee at the Marthandam Bus Stand for the period starting from 01.04.2017 and ending on 31.03.2018; that however,



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from 22.08.2017, the buses of the third respondent refused to pay the entry fee, contending that there was an order from the second respondent directing them not to pay the entry fee; and that the failure on the part of the third respondent's buses to enter the Marthandam Bus Stand caused a great loss to the petitioner. Therefore, the petitioner seeks a direction from this Court to the respondents to pay the entry fee for all buses.

3. Countering his arguments, the learned counsel for the third respondent submits that an overbridge was constructed during the relevant period; the buses were not permitted to enter the Bus Stand and were directed to take a route that was beneficial to the public. Hence, there was no way for the third respondent to operate the buses into the Marthandam Bus Stand. Therefore, the third respondent cannot be mulcted with the liability for the payment of the entry fee into the Marthandam Bus Stand, as they did not use it. He further submits that this Writ Petition against the third respondent should not be entertained.

4. The learned counsel for the second respondent submits that it is not the fault of the second respondent; rather, it is the National Highways Authority that undertook the project to construct the overbridge near the



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Bus Stand, which prevented the buses from entering the Marthandam Bus Stand. Therefore, the claim of the petitioner, in any case, cannot be entertained.

5. I have considered the rival submissions made on either side and perused the materials available on record.

6. Admittedly, the petitioner was granted with the right to collect the entry fee for the Marthandam Bus Stand for the period between 01.04.2017 and 31.03.2018. It is also an admitted fact that, due to the construction of an overbridge, the buses were not permitted to enter the Marthandam Bus Stand. In light of this, the third respondent cannot be mulcted with liability for the payment of the entry fee. However, since the petitioner was unable to exercise his rights under the licence due to circumstances beyond his control, the licence granted to the petitioner could not be effectively utilized.

7. Therefore, I am of the view that the petitioner is entitled to a refund of the part of the licence fee for the period starting from 22.08.2017 and ending on 31.03.2018. It was the duty of the second



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respondent to refund the part of the licence fee paid by the petitioner. In view of this, the petitioner is entitled to the refund of the part licence fee for the period from 22.08.2017 to 31.03.2018, along with interest at the rate of 9% per annum. The second respondent is directed to comply with the above directions within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

8. In fine, this Writ Petition is partly allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

03.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

- 1.The Secretary,
Transport Department,
The Government of Tamilnadu
Secretariat, Chennai.
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3.The General Manager,
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K.KUMARESH BABU, J.

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