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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

**THE HONOURABLE DR. JUSTICE ANITA SUMANTH
and**

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.3437 of 2010

and

M.P.No.2 of 2010

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. By its Managing Director, Trichy ... Petitioner(s)

Vs.

1. State Transport Appellate Tribunal,
High Court Campus, Chennai – 104.
2. Regional Transport Authority,
Karur.
3. Tvl.Vasuki Transports,
12 , Adhikrishnapuram, Karur
4. M.Subramani ... Respondent(s)
[R4 impleaded as per order dated 11.04.2012 made
in M.P.No.1 of 2012 in W.P.No.3437 of 2010]

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari, to call for the records on the file of the first respondent in connection with the order passed by him in Appeal No.381/2005 dated 09.09.2009 and also the order passed by the second respondent in his proceedings in R.No.46712/A2/2004 dated 02.05.2005 and quash the same.



For Petitioner(s) : M/s.Kala Ramesh
For R1 : Tribunal
For R2 : Mr.P.Anandakumar,
Government Advocate
For R3 & R4 : Mr.M.Palani

ORDER

(Order of the Court was made by **MUMMINENI SUDHEER KUMAR, J.**)

This writ petition has been filed by the petitioner corporation seeking a writ of certiorari, having been aggrieved by the orders passed by the second respondent on the application submitted by the third respondent seeking variation of the transport permit possessed by it, vide proceedings bearing R.No.46712/A2/2004 dated 02.05.2005, as confirmed by the first respondent Tribunal in Appeal No.381 of 2005 dated 09.09.2009, and sought for quashing of the said orders.

2. The trajectory of the facts leading to filing of the present writ petition are as under:-

2.1. The third respondent herein, who was possessing a route permit for Karur Town Service, Route No.6, Karur Railway Station to Ariyur via Rajaji Street, Travellers Bungalow, Jawahar Bazaar, Karur Bus Stand, Viswanathapuri and



K.Paramathi which shuttles between Karur Railway Station and Adhiredipalayam, approached the second respondent seeking variation of the permit on two counts.

Firstly, for curtailment of sector from Karur Railway Station to Karur Bus stand. Secondly, for grant of eight additional singles between Adhiredipalayam and Ariyur. The said application was opposed by the petitioner herein and certain others by submitting representations. After considering the said representations of the petitioner herein and others, and having taken note of the 'No Objection' reported by the petitioner herein for curtailing the sector from Karur Old Railway Station to Karur Bus stand, and on examining the merits of the second request made by the third respondent herein, the second respondent, herein by an order dated 28.04.2005, allowed the application filed by the third respondent herein granting variation. Aggrieved thereby, the petitioner herein filed an appeal vide M.V.Appeal No.381 of 2005 on the file of the first respondent Tribunal and the said appeal was dismissed by the learned Tribunal by an order dated 09.09.2009, confirming the order dated 28.04.2005. It is aggrieved by the said orders dated 28.04.2005 and 09.09.2009, the petitioner corporation is before us.

2.2. Though the petitioner corporation has reported 'No Objection' in respect of the first count of variation sought by the third respondent herein, before the second respondent itself and the same was also recorded by the second respondent in its order, surprisingly, the petitioner corporation has filed an appeal as



against that part of the order also before the first respondent though unsuccessfully.

However, the learned counsel appearing for the petitioner corporation fairly submitted before us that the petitioner corporation is not contesting the variation ordered in the permit insofar as the first count is concerned, namely, the curtailment of the sector from Karur Railway Station to Karur Bus Stand. Therefore, there is no necessity for us to examine the said aspect in the present writ petition.

2.3. Insofar as the variation by grant of eight additional singles between Adhireddypalayam and Ariyur in respect of the route in question of the third respondent is concerned, the only contention that was raised before us is by placing reliance on Section 80(3) of the Motor Vehicles Act, 1988 and contending that no new permit can be granted in respect of routes that would fall in the 'Modified Area Scheme' approved by the Government and the grant of variation of permit condition would amount to grant of a new permit under the said provision and therefore, the variation sought in the permit conditions by the third respondent cannot be granted. This very same ground that was raised by the petitioner before the second respondent as well as the Appellate Tribunal, was considered by both the authorities in elaborate, and after taking into consideration the various provisions of the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (hereinafter referred to as 'the Act, 1992') came to the conclusion that the provisions contained in Section 80(3) of the Motor Vehicles Act, 1988 have no application to the State of Tamil Nadu in the



light of the Act, 1992 which was enacted after obtaining assent of the President of India, and concluded that the contention raised on behalf of the petitioner corporation is not sustainable. Notwithstanding the said findings recorded by both the authorities, the learned counsel for the petitioner reiterated its objection on the very same ground.

3. On the other hand, the learned counsel appearing for the third respondent has brought to our notice a decision of a learned Single Judge of this court in CRP (NPD) No.3134 of 2023 dated 10.09.2024, which dealt with an identical situation dealing with the provisions contained in Section 80(3) and the provisions contained in the Act, 1992 concluding that the provisions contained in the Act, 1992 and the Rules made thereunder enable a small operator to file a fresh application for variation after a lapse of one year, and that each of such application entitles the operator to seek for variation up to 24 Kilometers notwithstanding Section 80(3) of the Motor Vehicles Act, 1988. The relevant portion from the said order reads as under:-

58. It has been conclusively held by this Court that Act 41 of 1992 operates only for permit holders in the State of Tamil Nadu. Therefore, wherever the Central Act applies, the bar under Section 80(3) would apply. For persons covered under Special Legislation, Act 41 of 1992 and its Rules have to be applied.

59. Applying the said Act and Rules, I am of the clear view that a small operator as defined under Section 3 of the Act can file an application seeking for variation of



conditions of his permit to include the route covered by a draft scheme/ notified route /approved scheme. This variation may be sought for up to a maximum of 24 kilometers on every “such” application. This does not bar him from filing a fresh application again for further variation up to 24 kilometers after the expiry of a period of one year. This interpretation is applied to the facts of the present case.

60. I am not in a position to sustain the order of the learned Tribunal <https://www.mhc.tn.gov.in/judis> 32 of 38 which has held that the upper limit of 24 kilometers is a one-time measure. The Tribunal would have been right in its interpretation if Section 80(3) alone is applicable. I have held that Act 41 of 1992 and the Rules made thereunder, as they stand today, enable a small operator to file a fresh application for variation after the lapse of one year and each of such application entitles the operator to seek for variation up to 24 kilometers. Hence, the view taken by the Tribunal necessarily has to be interfered with.”

In the light of the order referred to above, which we have gone through in detail, we do not see any reason to take a different view from the view taken in the above order. Thus, it is clear that the provision contained in the Act, 1992 would only govern the situation and Section 80(3) of the Act, 1988 have no application. Therefore, the contention of the learned counsel for the petitioner on this count is liable to be rejected.

4. Insofar as the ancillary submissions made by the learned counsel for the petitioner by contending that the petitioner corporation is ready to provide the necessary services to cater to the need of the general public etc., are concerned, the



second respondent herein, while considering the objections raised before it, has taken into consideration various factual aspects and arrived at a conclusion that there are public representations requesting for additional service to Ariyur Village, and granting variation as sought for by the third respondent herein would be in the interest of the travelling public. The relevant portion from the said order dated 28.04.2005 reads as under:-

“The second request of the applicant is for the grant of eight additional singles between Adhireddipalayam and Ariyur. At present Sixteen singles are operated from Karur towards Ariyur out of which four singles upto Ariyur and twelve singles upto Adhireddipalayam. The applicant proposes to retain four singles upto Adhireddipalayam and to extend eight singles upto Ariyur. This is the only Town bus plying from Karur to Ariyur. The place K. Paramathi lies on the Karur Coimbatore Main Road and this sector is well served. But from K. Paramathi to Ariyur (Via) Adhireddipalayam, this is the only bus. Further Ariyur is an important place where there is a famous temple called Chellandian... Koil which attracts large number of devotees from the surrounding areas. There are public representations requesting for the additional service to Ariyur Village. Therefore the objections raised by other operators are rejected in the interest of traveling public. Hence the eight additional singles requested by the applicant from Adhireddipalayam to Ariyur is granted.

The said findings recorded by the second respondent was confirmed by the first respondent Tribunal in its order dated 09.09.2009.

5. Under the above circumstances, we are of the considered view that, while exercising a certiorari jurisdiction, it is not open for this court to interfere with



the such factual findings in the absence of any material that is placed before us to find fault with such factual findings recorded by both the authorities.

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6. In the light of the above, we do not find any merit in the writ petition and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(Dr.A.S.M.,J.) (M.S.K.,J.)
16.02.2026

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. State Transport Appellate Tribunal,
High Court Campus, Chennai – 104.
2. Regional Transport Authority, Karur.



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Dr.ANITA SUMANTH, J.
and
MUMMINENI SUDHEER KUMAR, J.
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