

IN THE HIGH COURT OF. JUDICTURE AT MADRAS

Dated: 11-02-2002

Coram:

The Honorable Mr. Justice A.KULASRKARAN

W P.NO. 1854 of 2001

K.Kittusamy

...Petitioner

VS.

1. The Transport Commissioner  
Transport Department, Chepauk, Chennai-5.
2. Regional Transport Authority Dindigul District , Dindigul.

...Respondents

Petitioner under Art.226 of the Constitution of India, praying for the issuance of Writ of Certiorari as stated therein.

For Petitioner . Mr.M.Palani

For Respondents: Mr.S.Kamadevan Government Advocate

O R D E R

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This Writ Petition has been filed seeking for a Writ of Certiorari to call for the records of the first respondent made in R.No.90919/F2/2000 dated 29.11.2000 and to quash the same.

2. The petitioner herein is a stage carriage operator on the route of Palani Bus Stand to Veeralapatty Via Municipal Higher Secondary-School, Palani Andavar Arts College, JTO School and Ayakudi. He operates a stage carriage bearing Registration No. TN 57/Z 7979 on this route which is a town service route in Palani. The petitioner has challenged the letter No.90919/F2'2000 dated 29.11.2000 which runs as under:

"In the reference cited, the Government have issued certain tentative decisions for Mini Buses as follows:

<u>S.No.</u>	<u>Action Plan</u>	<u>Decisions taken by the Government</u>
1.	Permitting of mini buses to bus enter into bus stand	Mini buses may be permitted to go inside the stand so that the benefit of the scheme reaches the villagers in full subject to the condition that the overlapping distance of 4 kms should not exceed in the served sector.
2.	Preference to existing Operators	Existing operators under the Old scheme may be permitted to switch over to the new scheme on priority basis. Their application need not be treated as ones and placed in the queue as tins involves in the substitution of the routes only. Besides these applications should not be counted against 250 ceiling.

Therefore, I request, to consider the request of the mini bus operators while issuing permits and also issue suitable instructions to the Regional Transport Officer to allow the existing mini bus operators to touch the bus stand and to switch over the permits issued from the old scheme to new scheme subject to the provisions of Law and Scheme."

Mr.M.Palani, learned counsel • appearing for the petitioner argued that any directions by The Government to a quasi judicial authority amounts to interference as such the said impugned letter is bad in law. If the impugned letter is allowed to be followed by the quasi judicial authority it would be resulted in exceeding the ceiling limit of 250 mini buses . Learned counsel appearing for the petitioner also brought to the notice of this court that the authorities arc vested with the powers to grant extension by suo moto under section 72(2) and xxii or on application by the operators by exercising their powers under section 80(2). While so, Issuing such instructions to the quasi judicial authority by the Transport Commissioner is liable to be quashed.

3. I have carefully gone through the impugned letter wherein it is categorically mentioned that ,

*"Therefore. 1 request, to consider the request of the mini bus operators while issuing permits and also issue suitable instructions to the Regional Transport Officer to allow the existing mini bus operators to touch the bus stand and to switch over the permits issued from the old scheme to new scheme subject to the provision of Law and Scheme."*

It is made clear in the said letter itself that the RTOs are directed to allow the existing bus operators to touch the bus stand and to switch over the permits issued from the old scheme to the new scheme subject to the provisions of law and scheme. I do not find any illegality in the impugned order letter issued by the Government, in deed (he authorities are requested to follow rules and procedure and scheme. I do not find any merits in the writ petition, hence the writ petition is liable to be dismissed and accordingly dismissed. No costs. Consequently WMP Nos.2520 and 2521 of 2001 are closed.

To

1. The Transport Commissioner  
Transport Department, Chepauk, Chennai-5.
2. Regional Transport Authority Dindigul District , Dindigul