

(2012) 11 MAD CK 0057
In the Madras High Court
Case No : Writ Petition No. 30467 of 2012

A. Ganesan

APPELLANT

Vs

The Regional Transport Authority, Coimbatore North

RESPONDENT

Date of Decision : 15-11-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 11 MAD CK 0057

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : K. Hariharan, for the Appellant; N. Srinivasan, Additional Government Pleader., for the Respondent

Final Decision : Dismissed

Judgement

1. Writ Petition No. 30467 of 2012 is filed praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the

petitioner's representation dated 12.07.2012 to permit the petitioner to ply the Mini Bus TN-28/A-5438 on the route, R.G. Pudur Pirivu to Hope

College"" via, the deviated course of the route till such time the road conditions are made good on the original course of the route, forthwith. Writ

Petition No. 30468 of 2012 is filed praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's

representation dated 12.07.2012 to permit the petitioner to ply the Mini Bus TCP-5050 on the route, Hope College to R.G. Pudur Pirivu"" via, the

deviated course of the route till such time the road conditions are made good on the original course of the route, forthwith.

2. Mr. N. Srinivasan, learned Additional Government Pleader takes notice for the respondent. The relief sought for in both the writ petitions is one

and the same. By consent, both the writ petitions are taken up together for final disposal.

3. Both the Writ Petitions are filed 8.11.2012 for the above stated relief. It is sad to note that in spite of detailed orders passed on 5.1.2007 in

W.P. No. 40406 of 2006 in the case of K. Ramaraj Vs. The Regional Transport Authority and The Secretary, Regional Transport Authority,

calling upon the executive to take proper action to meet the infrastructure and also to consider deviation of route, it is apparent that the problem

still persists even as on today. All that the court feels is that the condition which prevailed in the year 2007 continues even today. This court is

constrained to quote the earlier order passed by this Court in the above decision so as to enable the executive to take appropriate remedial

measure:

6. The grant of bus route permit is a function of the Regional Transport Authority in exercise of its executive function. The Regional Transport

Authority while granting the permit takes into consideration several parameters that are relevant and necessary. Courts cannot supplement its views

in the grant of permit.

To grant any deviation in the route, is also the function of the authority and not that of the Courts. Such function has to be performed by the

Regional Transport Authority by considering the claim of the route bus operators in the given facts and circumstances of each case. If the Court is

called upon to give any order to deviate a particular route and to take another route, it will amount to interfering with the discharge of the executive

functions of the authority. The Court cannot be called upon to discharge administrative functions or duties like grant of permits or for issue of

deviation in routes. If such exercise is taken by Courts, then the Courts will be clogged with a number of writ petitions to grant permits or to permit

the deviation of the route for so many perceivable reasons. The Court sitting under Article 226 of the Constitution of India, is not intended for grant

of such orders. The executive and administrative functions should not be the burden of the Court. The Court at the best will ensure that the

executive and the administrative authorities while discharging their duties do so in accordance with law and in accordance with the statutory

provisions and the rules made thereunder.

7. It is, however, sad to note that the rural roads have not been properly maintained and therefore, the mini bus operators are approaching this

Court one after another for a direction to permit the deviation in the original route. The various orders passed by this Court earlier only reflects the

sad state of affairs. It is also unfortunate that when the mini bus operators approached the respondent authority, viz., the Regional Transport

Authority, seeking their permission for grant of deviation of the route until the damaged portions of the road are repaired, no action has been taken

by the Regional Transport Authority concerned to redress the grievance of the mini bus operators. Therefore, they are forced to come before this

Court. The Executive Authorities of the State should bear in mind that because of their inaction and their callousness in not attending to the issues

pending before them, the aggrieved persons are forced to come to Court. If timely action to redress the grievance is undertaken by the authorities,

the burden of the Courts can be lessened. They are bound to look into the grievance of the public with promptitude and if it is so done, it will

reduce the burden on the Courts. In this case, the Regional Transport Authority could have very well decided the representation one way or the

other and the petitioner would have redressed his grievance, if any thereafter.

In the above decision, the executive was requested to consider the issue of maintenance of rural roads for good use by the public at large.

Accordingly, in the above decision, this court passed the following order:

9. For the reasons aforesaid and considering the limited prayer now sought for by the petitioner and the submission made by the learned

Government Advocate appearing for the respondents, there will be a direction to the first respondent to consider the representation dated

13.9.2006 made by the petitioner within a period of ten days from the date of receipt of a copy of this order. The writ petition is disposed of

accordingly. No costs. Consequently, connected miscellaneous petition is closed.

4. The present case is also for a mandamus to consider the request of the petitioner for deviation. In view of the earlier order as above, present

petitioner has filed the two petitions to consider the applications dated 12.7.2012 within a time frame. In view of the above decision, the

respondent authority is directed to consider the petitioner's applications dated 12.7.2012 expeditiously, preferably, within a period of ten days

from the date of receipt of copy of this order. Both the writ petitions are ordered as above accordingly. No costs.