

(2003) 10 MAD CK 0002
In the Madras High Court
Case No : Writ Petition No. 17793 of 2003

D. Raja

APPELLANT

Vs

The Secretary, Regional Transport Authority

RESPONDENT

Date of Decision : 07-10-2003

Acts Referred:

Citation : (2003) 10 MAD CK 0002

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : S. Govindraman, for the Appellant; P. Chandrasekar, Spl.
Government Pleader, for the Respondent

Judgement

P.D. Dinakaran, J.—When the petitioner applied for permit to ply his share auto bearing registration No. TN-10-C-1512, the respondent

by proceedings dated 26.4.2002, refused to grant permission on the ground that the petitioner failed to produce relevant documents and also

returned the demand draft submitted by the petitioner. Aggrieved by the same, the petitioner filed W.P. No. 35628 of 2002, wherein this Court by

order dated 29.10.2002 directed the respondent to give an opportunity to the petitioner of being heard and pass appropriate orderRs.

2. Pursuant to the said direction of this Court dated 29.10.2002, the respondent by impugned proceedings dated 11.3.2003 again refused to issue

permit to ply the share auto with respect to the vehicle bearing No. TN-10-C-1512. Hence, the petitioner seeks a writ of Certiorarified

Mandamus to call for the records of the respondent vide his proceedings in R. No. 38381/E3/2002, dated 11.3.2003, to quash the same and to

further direct the respondent to issue a share auto permit to the petitioner in respect of the vehicle No. TN-10-C-1512.

3. The only reason stated in the impugned proceedings dated 11.3.2003 is that there are about 39 share autos already plying within the jurisdiction

of the respondent and therefore, the grant of permission to the petitioner would only create traffic congestion.

4. Mr. P. Chandrasekar, learned Special Government Pleader, of course, fairly concedes that permission can be granted for 50 share autos in each district.

5. If that be so, the refusal to consider the case of the petitioner to grant permission to ply the share auto on a hypothetical ground that such grant

would create traffic congestion is, in my considered opinion, untenable, as the very concept of the share auto is intended only in the larger public

interest to benefit the public for their convenience and comfortable travel. Therefore, I am inclined to quash the impugned proceedings of the

respondent dated 11.3.2003 and to direct the respondent to pass appropriate orders in the matter within thirty days from the date of receipt of

copy of this order.

6. This writ petition is ordered accordingly. No costs. Consequently, W.P.M.P. No. 22237 of 2003 is closed.