

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 1148/2013.

Ganesh Eknath Meshram

VERSUS

The State of Maharashtra and others.

with

WRIT PETITION No. 2761/2013.

Nag Vidarbha Auto Chalak Kalyankari Bahuudeshiya Sevakbahi Sanstha, Nagpur and another

VERSUS

State of Maharashtra and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATE : FEBRUARY 26, 2015.

Heard Ms. Agrawal, learned Counsel
holding for Advocate S.D. Malke, for petitioner in first
matter and Shri Y.B. Mandpe, learned Counsel for
petitioners in second matter. Shri N.S. Khubalkar,
learned A.G.P. appeared for State of Maharashtra,

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Collector, Police Commissioner and R.T.O., Shri Anand Parchure, learned Counsel for respondent – Pragati Patil and Shri M.M. Agnihotri, learned Counsel for respondent Central Railway.

Question is, Whether pre-paid auto service at Railway Station Nagpur is, being properly and effectively run ?

Petitioners before us claim to be person running auto rickshaw or an association of such Auto rickshaw drivers.

This Court has after finding Writ Petition No. 1148/2013 not properly drafted, asked the petitioner therein to engage services of an Advocate. Shri S.D. Malke, thereafter has filed proper petition on behalf of Ganesh Meshram.

Grievance in both the petitions is against Sou. Patil. Shri Parchure, learned Counsel appearing on her behalf has pointed out that she has been erroneously joined as party respondent and she has no connection with pre-paid auto services. He points out that pre-paid auto services has been given to Nagrik

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Vikas Samiti, which is a registered Organization and that organization is not joined as a party respondent in any of the petitions. He submits that this fact is placed on record on affidavit by the said lady on 21.06.2013, and thereafter petitions have not been amended till date.

Learned A.G.P. also points out that in a meeting, which was conducted openly and attended by the petitioners, the said responsibility has been handed over to Nagrik Vikas Samiti. He invites attention to the developments as disclosed in paragraph no.5 onwards of the reply-affidavit of Regional Transport Officer in Writ Petition No. 2761/2013.

Facts on record therefore show that from August, 2012 it is Nagrik Vikas Samiti which is managing the pre-paid auto services at Nagpur Railway Station.

Said Nagrik Vikas Samiti is not party before this Court, as such the grievance cannot be effectively adjudicated in its absence. However, we find that the petitioners Ganesh Meshram and one Raju

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Ingle have submitted their proposals about the running of the scheme to the authorities. The respective counsel have attempted to point out certain lacunae in present system.

As the person managing the system is not before us, we cannot look into any grievance or alleged lacunae. If the system can be modified and services can be rendered to commuters in better way, it is apparent that none of the parties before this Court can object to it. In this situation, we permit the petitioner Ganesh Meshram and Raju Ingle to submit their proposals afresh to the Commissioner of Police, Nagpur. Said Authority shall in collaboration with the Regional Transport Officer and other Organizations which run Auto rickshaws in Nagpur City, as also after taking into confidence an association or union of commuters, who use said services, attempt to frame a better scheme providing for effective supervision, ventilation of grievance etc.

The persons named above namely Shri Meshram and Shri Ingle, shall submit their claim

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within four weeks from today. It shall be open to the respondent Commissioner of Police to call for further proposals from general public through paper publication, within next four weeks. All proposals then received shall then be processed as mentioned above, and a proper scheme shall be then worked out within a period of six months thereafter.

With these directions and keeping all rival contentions open, we dispose of both the writ petitions. No cost.

JUDGE

JUDGE

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