

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contp. No. 1692 of 2015

1.K.Ragavan

2.T.Venkatesan .. Petitioners

Vs

Satyabrata Sahoo
Transport Commissioner
Ezhilagam,
Chepauk, Chennai 600 005. .. Respondent

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for his willful disobedience of the order dated 17.11.2014 made in W.P.No.5281 of 2014 passed by this Court.

For Petitioners : Mr.N.Manokaran
For Respondent : Mr.R.Vijayakumar
Addl. Govt.Pleader

O R D E R

Heard Mr.N.Manokaran, learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondent.

2.This Contempt Petition has been filed to punish the respondent for disobedience of the order and direction issued by this Court dated 17.11.2014 made in W.P.No.5281 of 2014. The operative portion of the order reads as follows:

" 8.In the light of the above, there will be a direction to the second respondent to consider the petitioners' representations dated 31.12.2013 and 01.01.2014, requesting strict action against the operation of APE and TATA MAGIC vehicles as stage carriages and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order."

3.The learned Transport Commissioner has filed a counter affidavit *inter alia* stating that effective steps have been taken to check the illegality and the Enforcement Wing of the department has been conducting periodical checks. The details of the checks conducted in Chennai City and the action taken the period from 01.02.2015 to 17.08.2015 is as follows:

TATA MAGIC:

No. of vehicles checked	:	4,474
No. of check reports issued	:	937
No. of vehicles detained	:	139
No. of permits suspended	:	54
No. of permits cancelled	:	4

SHARE AUTO:

No. of vehicles checked	:	1,080
No. of check reports issued	:	86
No. of vehicles detained	:	16
No. of permits suspended	:	7

APE AUTO:

No. of vehicles checked	:	4,647
No. of check reports issued	:	1,592
No. of vehicles detained	:	510
No. of permits suspended	:	336

4.The learned counsel for the petitioners submitted that the said report submitted by the respondent is not in compliance of the order in its true spirit and it is only for statistical purpose.

5.It is to be pointed out that similar statistical reports were filed in the Writ Petition by way of counter affidavit. Thus, from the statistical report furnished by the respondent it is seen that TATA MAGIC, Share Auto and APE Auto vehicles are being operated as stage carriages.

Thus, the issue should be dealt with in a larger perspective to conduct period check for which purpose the

respondent should issue a Circular to all his Officers to forthwith seize all the TATA MAGIC, Share Auto and APE Auto, which are being plied as stage carriages. That apart, all the aforesaid vehicles have to be checked as to whether any alteration has been done to the seating capacity or the polo type and if such alteration has been done contrary to the permit, then those vehicles should be immediately seized and the permit should also be cancelled in accordance with the procedure established by law. The above direction shall be complied within a period of three weeks from the date of receipt of a copy of this order.

The Contempt Petition is closed on the above terms.
No costs.

rpa

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/02/02/2016

One CC to The Government Pleader, Sr.No.11272

One CC to Mr.Manokaran.N, Advocate, Sr.No.11306

To
The Transport Commissioner
Enthi Nagar, Chepauk,
Chennai-600 005.