

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED 21.08.2015****CORAM****THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM****Contp. No. 1742 of 2015**

Karaikal Stage Carriage Operators
Association, rep. by its Secretary .. Petitioner

Vs

V.Kandavelou
Secretary, State Transport Authority
Puducherry. .. Respondent

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for the willful disobedience of the orders of this Court made in W.P.No.30781 of 2014 dated 05.12.2014.

For Petitioner : Mrs.G.P.Bhargavi
for Mrs.S.Radha Gopalan

For Respondent : Mr.A.Tamilvanan
Govt.Advocate (Puducherry)

O R D E R

This Contempt Petition has been filed to punish the respondent for willful disobedience of the order and direction issued by this Court in W.P.No.30781 of 2014 dated 05.12.2014.

2.Mr.A.Tamilvanan, learned Government Advocate (Puducherry), appearing for the respondent/contemnor submitted that the State Transport Authority, Puducherry, has passed an order dated 13.08.2015, in compliance of the direction issued by this Court.

3.Mrs.G.P.Bhargavi, learned counsel appearing for the

petitioner submitted that in terms of section 86 (1)(b) of the Motor Vehicles Act, if the holder of the permit uses or causes or allows a vehicle to be used in the manner not authorised by the permit, the Transport Authority which granted permit, may cancel the permit or may suspend the permit for such period as it thinks fit.

4.It is further submitted by the learned counsel that inspite of the statutory provisions being thus, the contemnor merely called upon Tata Magic Vehicle owners to adhere to the permit conditions and not to operate their vehicle as stage carriages.

5.Since the Writ Petition was filed by an Association viz. Karaikal Stage Carriage Operators Association and no individual grievance was placed before this Court, this Court directed the respondent/contemnor to consider the representation, hear the Tata Magic Vehicle owners or their association if any, and pass a reasoned order. Therefore, the order dated 13.08.2015, passed by the respondent is in compliance with the directions issued by this Court in the Writ Petition. However, the issue to be pointed out is that though the respondent has advised the Tata Magic Vehicle owners to adhere to the permit conditions, the enforcement of law does not stop with that. The officials of the respondent Transport Authority have to monitor as to whether Tata Magic Vehicles are being operated as Contract Carriages. If a person holding a transport permit with certain conditions, then the authorities are bound to verify whether the permit conditions are complied with and in case of violation, they are entitled to suspend or cancel the permit, after following the procedure contemplated under the provisions of the act and the Rules framed thereunder. Therefore, the officials of the Transport Department have to monitor and take action against the erring Tata Magic Vehicle owners who are violating the permit conditions by resorting to the proper

procedure.

6. Accordingly, the Contempt Petition is disposed of by directing the respondent to issue a circular to all his subordinate officers to monitor this issue and to ensure that the Tata Magic Vehicles are not operated as Stage Carriages and in case of any violation, action shall be initiated in accordance with the provisions of the Motor Vehicles Act and the Rules framed therein. Such circular shall be issued within a period of four weeks from the date of receipt of a copy of this order, giving wide publicity and copies sent to the permit holders or their Association.

rpa

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/07/10/2015

One CC to the Sr. Govt. Pleader-cum-senior public prosecutor for puducherry, High Court Buildings, Chennai-104.

One CC to Mr. S. Radhagopalan, Advocate

To

The Secretary,
State Transport Authority,
Puducherry.