

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.18364 to 18375 of 2015

G.Kishore Kumar	...Petitioner in W.P.No.18364 of 2015
A.Sivaprakasa Raj	...Petitioner in W.P.No.18365 of 2015
A.Kajendhran	...Petitioner in W.P.No.18366 of 2015
V.Meena	...Petitioner in W.P.No.18367 of 2015
P.Mala	...Petitioner in W.P.No.18368 of 2015
S.Saravanan	...Petitioner in W.P.No.18369 of 2015
K.Saravanan	...Petitioner in W.P.No.18370 of 2015
T.Murugan	...Petitioner in W.P.No.18371 of 2015
R.Vijayakumar	...Petitioner in W.P.No.18372 of 2015
K.Selvam	...Petitioner in W.P.No.18373 of 2015
T.Prakash	...Petitioner in W.P.No.18374 of 2015
M.Ayyanar	...Petitioner in W.P.No.18375 of 2015

-vs-

1. The Transport Commissioner
State Transport Authority
Chepauk,
Chennai 600 005. ...1st Respondent in all the writ petitions
2. The Regional Transport Officer
Poonamallee ...2nd Respondent in W.P.Nos.18364,
18365, 18367, 18368 & 18369 of 2015
3. The Regional Transport Officer
Kancheepuram ...2nd Respondent in W.P.Nos.18366,
18371, 18372, 18373 & 18374 of 2015
4. The Regional Transport Officer
Chennai (North East),
Chennai. ...2nd Respondent in WP.No.18370 of 2015

5. The Regional Transport Officer
Chennai (North),
Chennai.

...2nd Respondent in WP.No.18375 of 2015

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent herein to receive the applications of the petitioners dated 10.06.2015 & 11.06.2015 in Form CCPA and the prescribed fee for the grant of Auto-rickshaw Permits and to consider the same and to pass orders in accordance with law.

For Petitioners : Mr.S.Govindraman

For Respondents : Mr.A.Kumar
Special Government Pleader

COMMON ORDER

These twelve writ petitions have been filed by the petitioners seeking a common relief of issuing a writ of mandamus under Article 226 of the Constitution of India to the respective Regional Transport Officer concerned to receive the applications of the petitioners in Form CCPA and the prescribed fee for the grant of auto-rickshaw permits by considering their applications.

2. Learned counsel for the petitioners would submit that the petitioners herein are engaged in the transport business and more than a decade ago, the Transport Commissioner issued a circular imposing restrictions for the grant of auto-rickshaw permits. In view of the said restrictions, the permits were transferred with premium and a group of persons made it a profitable business. Therefore, the auto-rickshaw drivers were put into serious hardship. However, in the year 2010, the State Government issued orders in G.O.Ms.No.463 Home (Transport III) Department dated 13.05.2010 lifting ban and thereafter granted permits on the applications submitted by the concerned persons. When the petitioners approached the concerned Regional Transport Officer having jurisdiction and submitted the applications along with the requisite fee, the respective second respondent refused to receive the applications along with the fee and orally informed that instructions were received from the office of the first respondent not to grant any fresh permits for auto-rickshaws. The only contention put forth by the learned counsel for the petitioners before this Court is that

when the restriction imposed has been lifted by issuing G.O.Ms.No.463 Home (Transport III) Department dated 13.05.2010 almost five years ago and the respective second respondent being aware of the lifting of ban, ought not to have refused to receive the applications from the petitioners. Since the respondents are ignorant of the said Government Order, all the petitioners are put to great prejudice, it was pleaded.

3. Mr.A.Kumar, learned Special Government Pleader appearing for the respondents also placed on record the Guidelines for Capacity of Urban Roads in Plain Areas. Pointing out Clause 8.3 of the said guidelines, he sought to defend the action of the respective second respondent.

4. This Court is unable to appreciate the above contention for the simple reason that when G.O.Ms.No.463 Home (Transport III) Department dated 13.05.2010 was issued five years ago lifting the ban with immediate effect with a further direction that all those auto-rickshaws that would ply in Chennai Metropolitan Area should run on LPG as per the existing guidelines, the respective second respondent ought not to have refused to receive the applications for grant of auto-rickshaw permits.

5. With the supposition that, owing to the increase in the volume of vehicles on the city roads, apart from large-scale traffic congestions, there is a steep rise in the rate of accidents, the respondents overzealously projected that the grant of vehicle permits is absolutely unjustified and unwarranted. It seems that they turned a blind eye to the ground reality that thousands of unemployed youth and many individuals struggling for survival, finding no job avenue open for them, ultimately, may go for self-employment like driving, operating auto-rickshaws of their own, etc. If the self-assumed reasons not to grant auto-rickshaw permits as put forth by the respondents are accepted, I am afraid, such an action would have adverse social implications due to frustration among the un-employed youth and other individuals at the bottom-level of the society whose main avenue of self-employment would be taken away. Similarly, based on other hypothetical apprehensions and presumptive reasons like over-urbanization, dumping of by-products, natural-habitat destruction, etc., if any absurd decision is taken for curtailing the permits to start small and large scale industries, growth in trade and commerce which is the backbone of the nation's economy would be endangered, thereby the hard and odd repercussions resulting therefrom like non-employment, unemployed youths going to antisocial activities like theft, women trafficking, begging etc., cannot be so

simply set right. This Court intends to make it clear to the Authorities concerned that while they are bound to act only based on Rules and Regulations governing them, at the same time, they should also be alive to the social responsibility in applying the set of rules in such a manner that none of their acts should disturb the essential concessions already made available to the public, in particular, to those who are socially and economically backward.

6. Therefore, in the light of the above G.O.Ms.No.463 Home (Transport III) Department dated 13.05.2010, the second respondent in each of the writ petition is hereby directed to receive the applications of the petitioners along with requisite fee forthwith and grant auto-rickshaw permits in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, these writ petitions are allowed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Transport Commissioner
State Transport Authority
Chepauk
Chennai 600 005
2. The Regional Transport Officer
Poonamallee
3. The Regional Transport Officer
Kancheepuram
4. The Regional Transport Officer
Chennai (North East), Chennai

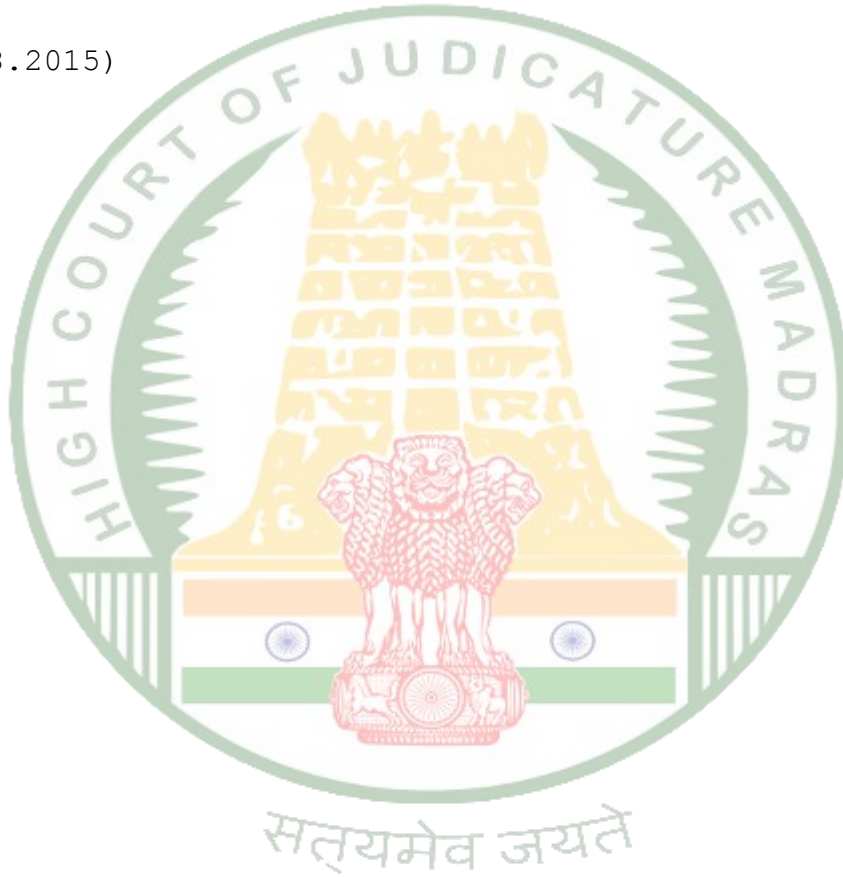
5. The Regional Transport Officer
Chennai (North), Chennai

1 CC to Mr.S.Govindraman, Advocate SR.No. 31823

12 CCs to the Government Pleader, SR.No. 31472

W.P.Nos.18364 to 18375 of 2015

RV (CO)
PSI (12.08.2015)



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