

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20266 of 2015

E.Jaya Sankar

... Petitioner

-vs-

1. The General Manager,
Southern Railways,
Park Town, Chennai.
2. The Divisional Manager (Commercial)
Chennai Division, Head Office,
Southern Railways, Park Town, Chennai.
3. The Superintendent of Police,
Southern Railways,
Egmore, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first and second respondents to create a new website in consonance with their responsibilities under Section 4 of the Right to Information Act, 2005, to support the third respondent to maintain proper records of abandoned two wheelers in parking lot of Southern Railways in the State of Tamil Nadu, of the vehicles which are abandoned for more than three months, to take necessary action to inform the two wheelers owners to collect the vehicles after paying the parking charges as applicable.

For Petitioner : Mr.N.L.Rajah

For Respondents : Mr.P.T.Ramkumar for RR 1 and 2
: Mr.S.T.S.Moorthy
Govt. Pleader, assisted by
Mr.V.Shanmugha Sunder, G.A. For R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Notice, which is accepted by Mr.P.T.Ramkumar, learned counsel for the first two respondents and by Mr.S.T.S.Moorthy, learned Government Pleader for respondent no.3.

2.The petitioner files the present Public Interest Litigation on account of the problem arising at different railway stations all over the State qua the abandoned vehicles (mostly two wheelers), which are occupying the parking space, which is already short, causing inconvenience to the persons, who have to park their vehicles.

3.Learned counsel appearing for the first two respondents does not dispute the problem and in fact, if the vehicles, as submitted by the petitioner, are seen, a large number of these vehicles are now only a junk. In fact, the learned counsel for the first two respondents states that it is not known whether these are abandoned vehicles or the Railway Police may itself have dumped these vehicles at those places. The first two respondents had addressed a communication as far back as on 05.08.2014 to the Railway Police / the third respondent, (which is stated to be under the State Government) to make a list of these vehicles and remove them. As rightly pointed out, there is every possibility that some of these vehicles would have been used for crime and thus, would be material evidence, which has been junked.

4.We, thus, call upon the first two respondents to send a complete list with registration numbers of the vehicles dumped, through the contractors to whom the parking area has been let and forward the same to the third respondent, who will, in turn, verify whether those vehicles have been used in any crime and if they are otherwise abandoned, to dispose of the same as per the normal legal practice to do so. The first two respondents will forward the list within two (2) months, as prayed for by the learned counsel and the third respondent will carry out the necessary exercise of identifying / disposing of the same within a maximum period of three (3) months thereafter.

5.We agree with the suggestion of the learned counsel for the petitioner that it would also be appropriate for the first two respondents to display a list of such vehicles on their website and this exercise can be carried out in the same period of two (2)

months. This would facilitate in the persons identifying their vehicles in case these are used for crime or stolen property.

6.Writ Petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The General Manager,
Southern Railways,
Park Town, Chennai.
2. The Divisional Manager (Commercial)
Chennai Division, Head Office,
Southern Railways, Park Town, Chennai.
3. The Superintendent of Police,
Southern Railways,
Egmore, Chennai.

+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.34292

W.P.No.20266 of 2015

AK(CO)
CA(16/07/2015)

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