

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 10.6.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11986 of 2016

1 Tamil Nadu Lorry Owners
Federation Rep. by its President R.Sugumar
No.19 200 Feet Road Sivananda Nagar
Senthil Nagar Bus Stand Kolathur Chennai-
600 099 ... petitioner

versus

1 Union of India
Rep by its Secretary to Government Ministry
of Road Transports and Highways New Delhi

2 The State of Tamilnadu
Rep. by its Secretary to Government (Home)
(Transport V Department) Fort St. George
Chennai-600 009

3 The State of Tamilnadu
Rep. by its Secretary to Government
(Transport Department) Fort St. George
Chennai-600 009

4 The Commissioner
Transport Department Chepauk Chennai-
600005. ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from in any manner insisting upon Anti-Lock Breaking System in the Vehicles owned by the member of the petitioner not falling under the catagories mentioned in Rule 98 (9) (iv) of Central Motor Vehicle Rules 1989 (as amended).

For petitioner ... Mr.T.Saikrishnan

For respondents ... Mr.J.Madanagopal Rao, C.G.S.C., for R-1
Mr.A.Mohamed Muthustafa,
Govt. Advocate, for respondents 2 to 4

O R D E R

The grievance of the petitioner federation is that all their members cannot be compelled to fit the Anti Lock breaking System and that cannot be a pre-condition for renewal of the license certificate. However, the Government having taken a policy decision in the matter and a notification having been issued, which is in

public interest, this Court is of the view that the question of interfering with the notification does not arise. However, if any one of the members of the petitioner federation has any individual difficulty which prevents them from installing Anti Lock breaking System, liberty is given to the said individual to make an individual representation to the Transport Commissioner, which shall be considered in accordance with law, within a period of three weeks from the date of receipt of a copy of the representation.

2. The Writ Petition is disposed of accordingly. No costs. Consequently, W.M.P.No.10355 of 2016 is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government
Ministry of Road Transports and Highways, New Delhi
- 2 The Secretary to Government (Home)
(Transport V Department) Fort St. George
Chennai-600 009
- 3 The Secretary to Government
(Transport Department) Fort St. George
Chennai-600 009
- 4 The Commissioner
Transport Department Chepauk Chennai-
600005.

1 cc to Government Pleader, Sr. 32301
1 cc to M/s. Madanagopal Rao, Advocate, Sr. 31450
1 cc to M/s. Sai Bharath and Ilan, Advocate, Sr. 31369

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