

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.26843, 26904, 27369 and 27346 of 2011
and M.P.Nos.1, 1,2,3, 1,2 and 1, 2 of 2011

W.P.No.26843 of 2011

P.Pugalenthirai ... Petitioner

-vs-

1.State of Tamil Nadu,
Rep. By the Chief Secretary to Govt.,
Secretariat, Chennai 600 009.

2.State of Tamil Nadu,
Rep. By the Secretary to Govt.,
Transport Department,
Secretariat, Chennai 600 009. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from requiring the passengers travelling in the buses of corporations/ undertakings of the respondent-State of Tamil Nadu to pay any amount higher than what was being paid by the passengers as on 17.11.2011 towards bus fare.

W.P.No.26904 of 2011

K.R.Ramaswamy @ Traffic Ramaswamy ... Petitioner

-vs-

State, Rep. By

1.The Chief Secretary,
Govt. of Tamilnadu,
Fort St. George, Chennai-9.

2.The Secretary,
Transport Department,
Govt. of Tamilnadu,
Chennai 600 009.

3.The Commissioner,
Transport Department,
Govt. of Tamilnadu,
Chennai 600 005.

4.The Commissioner,
Greater Chennai City Police,
Egmore, Chennai 600 008.

5.The Managing Director,
Metro Transport Corporation,
Pallavan Salai, Chennai 600 002. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd and 5th respondents to operate minimum 50% of the buses run as ordinary as per the Nationalization Policy and consider petitioners representations dt.18.11.2011 and 19.11.2011 and to submit a detail report to this Court as early as possible in saving the poor and the middle class peoples of Tamil Nadu.

W.P.No.27369 of 2011

V.R.Othisamy ... Petitioner's

-vs-

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Home (Tr.VII) Department,
Fort St. George, Secretariat,
Chennai 600 009.

2.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai 600 005. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the entire reocrds connected with para 1 (i) of the Direction in G.O. Ms.No.783 dated 17.11.2011 of the 1st respondent issued in respect of fares for the stage carriages plying as 'Ordinary Services' on routes / areas as the same is in violation of Rule 246 (b) of the Tamilnadu Motor Vehicles 1989 and quash the same.

W.P.No.27346 of 2011

S.Jimraj Milton

.. Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep. By the Chief Secretary,
Fort St. George, Chennai 600 001.
 - 2.The Department of Transport,
Rep. By its Secretary,
Govt. of Tamil Nadu,
Fort St. George, Chennai 600 001.
 - 3.The Department of Dairy Development
Rep. By its Secretary,
Ministry of Animal Husbandry,
Govt. of Tamil Nadu, Fort St. George,
Chennai 600 001.
 - 4.Union of India,
Rep. By its Secretary,
Department of Finance,
New Delhi.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to reconsider its Cabinet Decision taken on 17.11.2011 as published in the Hindu Daily News Paper on 18.11.2011 and direct the respondents (i)to run number of ordinary buses proportionate to the population of the economically backward people in the State of Tamil Nadu, (ii)to collect the bus fare that was collected by the 2nd respondent for ordinary bus travel prior to 17.11.2011 for travelling in ordinary buses, (iii)to grant concession of bus fare to children, women disabled and people below the poverty line in the deluxe, ultra deluxe and luxury buses, (iv)to provide milk free of cost to the children below 3 years in the state of Tamil Nadu, to provide milk in concessional rate for economically backward people in the State of Tamil Nadu.

For Petitioner in
WP.26843/2011 : Mr.M.Radhakrishnan
WP.26904/2011 : Mr.A.Ramesh Manikandan
WP.27369/2011 : Mr.S.Sathia Chandran
WP.27346/2011 : Mr.P.G.Thiyagu

For Respondents : Mr.S.T.S.Murthi, Govt. Pleader.
: Mr.Namo Narayanan, CGSC,
for R-4 in WP.27346/2011

* * * * *

O R D E R

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

The passage of time of five years has made the petitions infructuous, position accepted by the learned counsel for the parties.

2.The question of law raised in W.P.No.27369 of 2011 qua the allegation of violation of Rule 246 (b) of the Tamil Nadu Motor Vehicles, Act, 1989, is left open with the suggestion of the learned counsel for the petitioner that in case of any future revisions, this aspect may be looked into.

3.All the writ petitions, accordingly, stand disposed of as infructuous. No costs. Consequently, connected miscellaneous petitions stand closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

WEB COPY

To

1.The Chief Secretary,
Govt. of Tamilnadu,
Fort St. George, Chennai-9.

2.The Secretary,
Transport Department,
Govt. of Tamilnadu,
Chennai 600 009.

3.The Commissioner,
Greater Chennai City Police,
Egmore, Chennai 600 008.

5.The Managing Director,
Metro Transport Corporation,
Pallavan Salai, Chennai 600 002.

6.The Secretary to Govt. of Tamil Nadu,
Home (Tr.VII) Department,
Fort St. George, Secretariat,
Chennai 600 009.

7.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai 600 005.

8.The Secretary to Govt. of Tamil Nadu,
Dept. of Dairy Development
Ministry of Animal Husbandry,
Fort St. George, Chennai 600 001.

9.The Secretary,
Union of India, Department of Finance,
New Delhi.

+2 ccs to M/s.S.Namonarayanan Advocate sr.35823 & 35824

+1 cc to M/s.S.Sathia Chandran Advocate sr.36059

+1 cc to Government Pleader sr.35646

+2 ccs to Mr.A.Ramesh Manikandan Advocate sr.35677

W.P.Nos.26843, 26904, 27369
and 27346 of 2011

rsy(co)
aa14/07/2016