

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.593, 745 and 2007 of 2015

W.P.No.593 of 2015

Kovai Mavatta Auto Thozhilalar Sangam
CITU, Regd. No.539, 940, MTP Road,
Coimbatore-2.

... Petitioner

-vs-

1.The Govt. of Tamil Nadu,
by Principal Secretary,
Transport Department,
Secretariat, St. Fort George,
Chennai-3.

2.Transport Commissioner,
Transport Department,
Govt. of Tamil Nadu,
Chepauk, Chennai-5.

3.District Collector of Coimbatore,
Coimbatore District Collectorate,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in G.O. Ms.No.772, Home (Transport-III) dated 16.10.2014 on the file of the 1st respondent and quash the same, consequently direct the respondents to revise and fix the minimum fare of Rs.30/- for first 1.5 kms, and Rs.15/- for every additional kms. and night charges at Rs.40/- as minimum and Rs.20/- for every additional kms. for auto rickshaws in Coimbatore City and District.

For Petitioner : Mr.S.R.Sundaram
For Respondent : Mr.C.Manishankar,
Addl. Adv. General, assisted by
Mr.M.K.Subramanian,
Govt. Pleader.

W.P.No.745 of 2015

N.Vadivelu

.. Petitioner

-vs-

1.The Govt. of Tamil Nadu,
Rep. by its Secretary,
Home (Transport) Department,
Fort St. George, Chennai 600 009.

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chempauk,
Chennai 600 005.

3.District Collector,
Nagapattinam, Nagapattinam District.

4.Regional Transport Officer,
Poompukar Road, Mayiladuthurai,
Nagapattinam District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari and Mandamus to call for the records in relation to the impugned order of the respondent no.1 in G.O. Ms.No.772, Home (Transport-III) Department dated 16.10.2014 and quash the same as illegal forthwith and also to direct the respondent no.3 as the competent authority to convene a meeting inviting the members of all Auto Rickshaw Associations to receive and collate their views and respond to demands in order to finalize fixation of revision of fares considering the local conditions in Myladuthurai area.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.C.Manishankar,
Addl. Adv. General, assisted by
Mr.M.K.Subramanian,

Govt. Pleader.

W.P.No.2007 of 2015

Tamilnadu Auto Thozhilalar
Sammelanam, Rep. By its
General Secretary.

.. Petitioner

-vs-

1.The Govt. of Tamil Nadu,
rep. by its Principal Secretary,
Home (Transport) Department,
Fort St. George, Chennai-9.

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk, Chennai-5.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the order in G.O.Ms.No.772 Home (Transport-III) Department dated 16.10.2014 issued by the 1st Respondent quash the same and consequently direct the 1st Respondent to notify the District Collector of each District as Regional Transport Authority under Section 67(1) of the Motor Vehicles Act 1988 and to appoint a committee of experts to submit a study report and to suggest a scientific fair and reasonable methodology for fixation of auto fare for each District and to fix the auto fare for each District separately based on the local prevailing conditions and by taking into account all the relevant factors and after hearing all the parties concerned including the auto drivers union in terms of the methodology given by the Committee, with an inbuilt mechanism and method for revision of fare automatically based on the rise in the price of fuel, spare parts, operation and maintenance, rise in the insurance policy and taxes, rise in cost of living index, etc. and also to revise the fare periodically once in two years following the above said procedure and methodology.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.C.Manishankar,
Addl. Adv. General, assisted by
Mr.M.K.Subramanian,
Govt. Pleader.

COMMON ORDER

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

The prayer in these writ petitions is for revision of auto fares which were last fixed by G.O.Ms.No. 772, Home (Transport-III) Department, dated 16.10.2014. It is the own case of the respondent authorities in Review Application No.198 of 2015 in W.P.No.3007 of 2014 that a period of revision every two years for auto-rickshaws would be the appropriate period instead of three months as directed by the Court. That issue is still pending in view of there not being other compliances.

2.In view of the aforesaid facts, the present petitions have become infructuous for the reason that even now the two years period expired from the date of last fixation and certainly, it is open to the Government to revise the auto fares upwards or downwards depending on the circumstances.

3.Writ petitions are, accordingly, disposed of, as having become infructuous. No costs.

4.List for compliance on 24.01.2017.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamil Nadu,
Home (Transport) Department,
Secretariat, Fort St. George,
Chennai-09.

2.The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai-05.

3.The Regional Transport Authority
and The District Collector,
Collectorate, Coimbatore District,
Coimbatore.

4.The Regional Transport Officer,
Coimbatore (Central), Secretary,
Transport Department, Dr.Balasundaram
Road,Coimbatore-18.

5.The District Collector,
Nagapattinam, Nagapattinam District.

6.The Regional Transport Officer,
Poompukar Road, Mayiladuthurai,
Nagapattinam District.

7 The Section Officer, Writ Section
High Court, madras(List the in 24.01.2017)

+1cc to Mr.S.R. Sundaram, Advocate, S.R.No.72050
+1cc to Mr.C.Prakasam, Advocate, S.R.No.72306

eu (CO)
md(27/12/2016)

W.P.Nos.593, 745 and 2007 of 2015

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