

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24603 of 2016 &
W.M.P.No.21019 of 2016

Perundurai New Bus Stand Auto
Owner and Driver Association,
Rep. by its Secretary,
V.K.Palanisamy,
S/o.Kandasamy,
93, Periya Vettupalayam PO,
Perundurai, Erode District. ... Petitioner

Versus

- 1.The District Collector,
Erode District,
Erode.
- 2.The Regional Transport Officer,
Regional Transport Department,
Perundurai, Erode District.
- 3.K.Ravi Kumar ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to take action on the third respondent or his men or any one claiming under him for putting up unauthorized display in Auto's by considering the petitioner's representation dated 18.06.2016.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Mr.R.Lakshmi Narayanan
Additional Government Pleader

O R D E R

Heard Mr.A.Sundaravadhanan, learned counsel appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition itself is taken up for final disposal.

2. The petitioner is an Association registered under the Tamil Nadu Societies Registration Act, 1975 and consisting of members, who own Auto Rickshaws as well as, who drive Auto Rickshaws in Perundurai, Erode District.

3. The petitioner's grievance is that the third respondent, who also owns and drives Auto Rickshaws, has been displaying the names of "Dheeran Transport" and "Makkal Auto", not only his Auto Rickshaws, but also has encouraged certain Auto Rickshaw drivers/owners to make such display. The petitioner would state that this display of these names in the Auto Rickshaws is unauthorized and no permission has been granted by either the first respondent or the second respondent. In this regard, one Mr.C.Subramaniam, who is the learned counsel who has been advising the petitioner-Association, sought for information from the second respondent under the Right to Information Act, by petition, dated 26.04.2016. He was favoured with the reply, dated 20.05.2016, copy of which is enclosed in the typed-set of papers, which shows that the Office of the second respondent has not granted any permission for displaying the Board "Makkal Auto" or "Dheeran Transport". The petitioner would further state that without such authorization or permission, such boards cannot be displayed as the public would be dissuaded by the names shown in the Auto Rickshaws and it will amount to misleading the commuting public. However, since this Court is inclined to dispose of the Writ Petition, without notice to the third respondent, the merits of the allegations made by the petitioner as against the third respondent and other Auto Rickshaw owners/drivers who are said to have displayed such board, are not gone into and left to the consideration by the second respondent.

4. Accordingly, the Writ Petition is disposed of by directing the second respondent to consider the petitioner's representation, dated 18.06.2016, on merits and in accordance with law, after issuing notice to the petitioner as well as the third respondent and all other concerned. A decision be taken on the representation and a reasoned order be communicated to the petitioner and all other aggrieved persons, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of the representation along with a copy of this order and forward the same to the second respondent. No costs. Consequently, connected miscellaneous petition is closed.

r n s

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Erode District,
Erode.

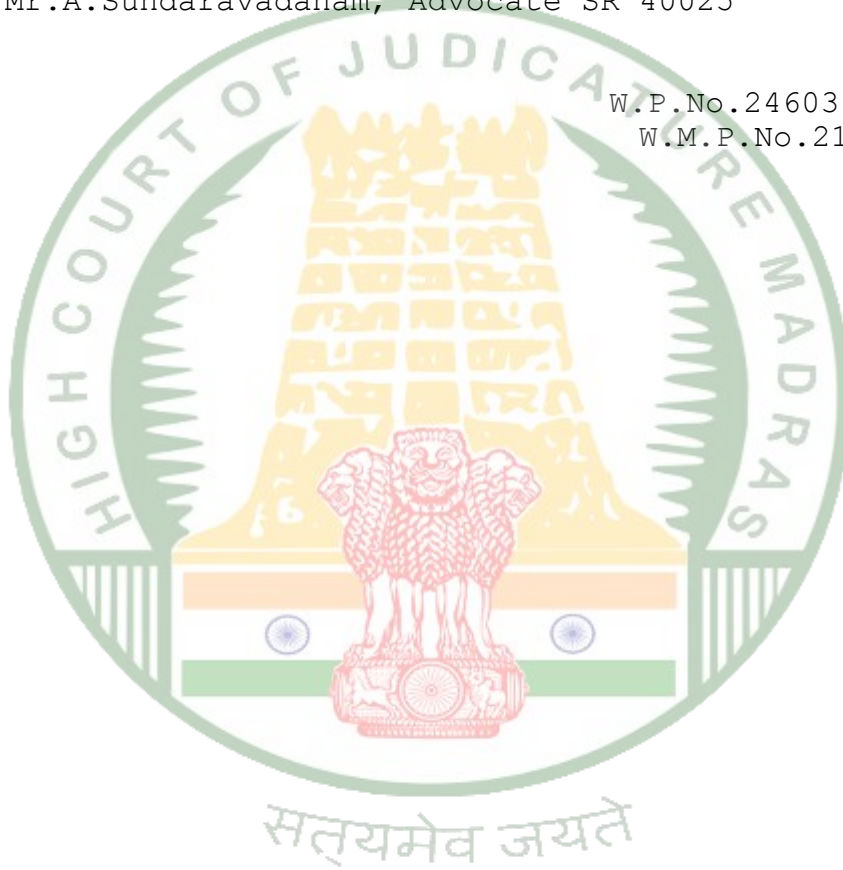
2.The Regional Transport Officer,
Regional Transport Department,
Perundurai, Erode District.

+ 1 cc to Govt.Pleader SR 40435

+ 1 cc to Mr.A.Sundaravadanam, Advocate SR 40025

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