

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 551 OF 2017

SHRI. GAJANAN SHIVA SHIRODKAR AND
7 ORS.,

... Petitioners

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 9 ORS.,

... Respondents

Mr. Sardessai Balkrishna Prakash, Advocate for the petitioners.
Mr. Amira Abdul Razaq, Government Advocate for respondents
No.1,2 & 3.

Coram:- THE CHIEF JUSTICE &
F. M. REIS, JJ.

Date:- 14th July, 2017

P.C.:

Heard Mr. B. P. Sardessai, Advocate for the the
petitioners, as well as Ms. A. Razaq, Government Advocate for
respondents No.1 to 3.

2. The petitioners are, admittedly, permit holders allotted
to them in terms of Section 74 of the Motor Vehicles Act, 1988
to operate from Margao Stand. According to them, the
party-respondents who are permit holders to operate from Colva
Stand, are interfering with the petitioners whenever they go to
Margao Stand and are creating troubles to the petitioners.
Ultimately, it results in snatching away the livelihood of the
petitioners. Therefore, they approached the concerned

authorities and since no action was taken, they approached the higher authority, Director of Transport, lodging a complaint. However, no action was taken. Therefore, they are before this Court, seeking the following reliefs :

(A) For an appropriate writ, order or direction directing the respondents no.2 and 3 to take cognizance of the complaint dated 16/02/2017 and dated 25-05-2017, and appropriate action including suspension of the permits or any action as per law be taken, and

(B) For an appropriate writ, order or direction directing the respondents no.4 to No.10 not to interfere with the petitioners and not to receive passengers from the Konkan Railway Corporation (Margao Stand) which is assigned to the petitioners and permit holders of Margao Stand; and

(C) For such other and further reliefs that the Hon'ble Court deems fit and proper.

3. The first prayer in the writ petition refers to the illegal, arbitrary and unconstitutional attitude of the respondents in interfering with the valuable rights of the petitioners. The petitioners also complain of illegal acts. The averments in the petition state that they are threatened with the dire

consequences, which would mean that there is likelihood of danger to their life or body. The Assistant Director of Transport or the Director of Transport can only direct from which stand they could operate and beyond that regarding threat to the life of the petitioners, we fail to understand how they can interfere. The petitioners have not approached the concerned Police. If the police have not taken any action, why did they not approach the Court, seeking such a relief with a private complaint in accordance with the Cr.P.C.

4. In the above circumstances, we decline to intervene by giving any positive direction. Accordingly, the petition is dismissed.

F. M. REIS, J.

THE CHIEF JUSTICE, J.

ssm.