



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(MD)No.22237 of 2015
& M.P.(MD)Nos.1 to 4 of 2015

P.Saravanan

... Petitioner

Vs.

- 1.The Director,
Central Bureau of Investigation,
Plot No.5-B, 6th Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.
- 2.The Secretary,
Ministry of Finance,
North Block,
New Delhi - 1.
- 3.The Secretary,
Ministry of Road Transport & Highways,
Transport Bhawan, Sansad Marg,
New Delhi - 1.
- 4.The Chairman,
National Highways Authority of India,
G5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.
- 5.The Chief General Manager,
National Highways Authority of India,
G5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.
- 6.The Chairman,
Insurance Regulatory Development Authority,
Hyderabad - 4,
Andra Pradesh.
- 7.The Secretary,
Home Department,
Fort St. George,
Chennai - 9.



8.The Secretary,
Transport Department,
Fort St. George,
Chennai - 9.

9.The Commissioner of Transport,
Chepauk,
Chennai - 5.

10.The Secretary,
Industries Department,
Fort St. George,
Chennai - 9.

11.The Secretary,
Public Works Department,
Fort St. George,
Chennai - 9.

12.The General Manager,
Southern Railways,
Chennai - 3.

13.The Chairman,
Chennai Port Trust,
Chennai - 1.

14.The Chairman,
Ennore Port Trust,
Rajaji Salai,
Chennai - 1.

15.The Chairman,
V.O. Chidambaranar Port Trust,
Tuticorin - 628 004.

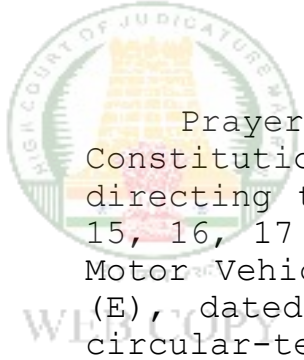
16.The Chairman/Managing Director,
Karaikal Port Pvt. Ltd.,
Khezhavanjoor Village,
T.R. Pattinam,
Karaikal,
Puducherry - 609 602.

17.The Secretary,
Government of Puducherry,
Transport Department,
Kamarajar Salai,
Puducherry - 1.

18.The Commissioner of Transport,
100 Ft. Road,

<https://hcservices.ecourts.gov.in/hcservices/>

OK Palayam, Mudaliar Pet, Puducherry - 605 004. ... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondent Nos.3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 to strictly implement the rules and regulations of Motor Vehicles Act, 1988 and the Gazette Notification in G.S.R.778 (E), dated 16.12.2013, passed by the third respondent and policy circular-technical (154/2014) in No.11041/218/2007-Admn, dated 05.05.2014, issued by the fourth respondent and to take appropriate prosecution and penal action against the offenders those who violate the provisions of Motor Vehicles Act, 1988 by carrying overload in the motor vehicles throughout the State.
[Prayer amended vide Court, order dated 16.12.2015, in M.P.(MD)No.5 of 2015]

For Petitioner : No Appearance
 For R1 : Mr.S.Jeyakumar

 For R2 & R3 : Mr.R.Murugappan

 For R4 : Mr.G.R.Swaminathan
 Assistant Solicitor General of India

 For R5 : Mr.Arul Vadivel @ Sekar

 For R6 to R11 &
 R14 to R18 : No Appearance

 For R12 : Mr.S.Manohar

 For R13 : Mr.K.Govindarajan

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

The petitioner claiming himself to be a social activist, has filed this Writ Petition to declare the Gazette Notification issued by the Government of India, dated 05.05.2014, as null and void and to direct the respondents 3 to 5 and 7 to 18 to strictly implement the rules and regulations of the Motor Vehicles Act, 1988.

2.More or less, a similar relief has been sought for in a Public Interest Litigation in W.P.No.7346 of 2014 filed by one K.R.Ramaswamy alias Traffic Ramaswamy before the Principal Bench of this Court. It is not known as to why the present Writ Petition has been filed before this Bench, virtually, more or less for the similar relief and the same counsel is appearing for the petitioner in both the matters. Therefore, we feel that if this Writ Petition is to be heard and decided, it may result in inconsistent order. Already the First Bench is seized of the matter and monitoring the same. Hence, we feel that the present Writ Petition is unnecessary.



Accordingly, we are closing the Writ Petition, leaving it open to the petitioner to approach the First Bench of this Court and raise additional grounds with the leave of the Court, if so advised.

3. With the above observation, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Co)

/ True Copy \

Sub Assistant Registrar

To

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6. The Chairman,
Insurance Regulatory Development Authority,
Hyderabad - 4,
Andhra Pradesh.
7. The Secretary, Home Department,
Fort St. George, Chennai - 9.
8. The Secretary, Transport Department,
Fort St. George, Chennai - 9.
9. The Commissioner of Transport,
Chennai - 5.



10. The Secretary,
Industries Department, Fort St. George, Chennai - 9.
11. The Secretary,
Public Works Department, Fort St. George, Chennai - 9.

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12. The General Manager,
Southern Railways, Chennai - 3.
13. The Chairman,
Chennai Port Trust, Chennai - 1.
14. The Chairman,
Ennore Port Trust, Rajaji Salai, Chennai - 1.
15. The Chairman,
V.O. Chidambaranar Port Trust, Tuticorin - 628 004.
16. The Chairman/Managing Director,
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Kamarajar Salai,
Puducherry - 1.
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100 Ft. Road,
OK Palayam, Mudaliar Pet, Puducherry - 605 004.
- +1 CC TO MR.K.GOVINDARAJAN, ADVOCATE, SR NO.52444
- +1 CC TO MR.S.MANOKAR, ADOCAT, SR NO.52479
- +1 CC TO MR.R.MURUGAPPAN, ADVOCATE, SR NO.52300

smn2

MAS/JC:05.05.2017:5P-22C

W.P (MD) No.22237 of 2015
& M.P. (MD) Nos.1 to 4 of 2015
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