

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.16725 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the State of Andhra Pradesh appearing for respondents 1 to 3. With their consent, the present writ petition is disposed of at the admission stage itself.

2. The Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of a writ order or direction more particularly one in the nature of writ of *mandamus*, declaring the action of respondents 1 to 3 in not initiating action against the 4th respondent on the complaints submitted by the petitioner dated 23.11.2016 and 12.12.2016 as illegal, arbitrary and contrary to the law, consequently direct respondents 1 to 3 to initiate the action against the 4th respondent as per the complaint submitted by the petitioner, dated 23.11.2016.

3. A reading of the report, which has been placed before the Court, would show that it appears to have been made in the interest of public. It is alleged that on 18.04.2015 the Depot Manager, Kurnool-II Depot, sent the Driver to discharge the functions of Driver and Conductor at a time and that the said bus hit another bus near Tandrapadu, leading to death of one person and injuries to others. It is said that the said accident was due to violation of the Rules by the Depot Manager, who entrusted the Driver to perform

dual duties. The contents of the report refer to the order of the High Court in PIL No.84 of 2013, dated 11.12.2014 and the order of the Writ Appeal No.954 of 2012, dated 23.12.2014. It is stated that in view of the G.O.Ms.No.21, dated 24.04.2015, the Depot Manager is not entitled for exemption. Hence, requested the police to register a case against the Depot Manager.

4. It is to be noted here that in Writ Appeal No.954 of 2012, this Court while taking into consideration the submissions made by the learned Advocate General, clarified that it is open to the State to prescribe the conditions mentioned under sub-Clause (2) of Section 29 of the Motor Vehicles Act, 1988. Till such conditions are prescribed, the appellants therein i.e., RTC, shall not allow any Driver to discharge functions as Conductor and accordingly, the Writ Appeal was closed. This order came to be passed in the Writ Appeal on 01.12.2014. But, at the same time, it has to be noted that the petitioner, who lodged a report is not aggrieved by the incident, which took place on 18.04.2015. Neither he was a driver nor a victim of the said incident. In fact, the report itself shows that a crime is sought to be registered in the interest of public.

5. I am afraid, the reason given by the petitioner seeking registration of a crime cannot be acceded to. Hence, I see no merit in the writ petition.

6. Accordingly, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this
Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:08.06.2017
INL

