

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

W.P.No.9102 OF 2018

Devasahayam Asokan

... Petitioner

vs.

1. The Commissioner of Police,
Vepery, Chennai 600 007.
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.
3. The Deputy Commissioner of Police (Traffic) South,
St. Thomas Mount,
Chennai 600 016.
4. The Inspector of Police,
E3 Police Station (Traffic),
Teynampet,
Chennai 600 018.
5. The Inspector of Police (Law and Order)
E3 Police Station (Traffic),
Teynampet,
Chennai - 600 018.
6. The Junior Engineer,
Ward No.122,
Greater Chennai Corporation,
Teynampet,
Chennai 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents herein to consider the Petitioner's representation dated 04.12.2017 and take action to remove the illegal and unauthorized Auto Stand at Alwarpet Street in front of the Petitioner's premises at Old Door No.167, T.T.K. Road, Alwarpet, Chennai.

For Petitioner : Mr.L.Kishore
For Respondents 1, 3 to 5 : Mr.R.Udaya Kumar,
Addl. Government Pleader
For Respondents 2 & 6 : Mr.A.Nagarajan

O R D E R

(Order of the Court was made by M.VENUGOPAL,J.)

Petitioner has preferred the present Writ Petition praying for a direction to the Respondents herein to consider his representation dated 04.12.2017 and to take action to remove the illegal and unauthorized Auto Stand at Alwarpet Street in front of his premises at Old Door No.167, T.T.K. Road, Alwarpet, Chennai.

2. Heard the Learned Counsel for the Petitioner, the Learned Additional Government Pleader appearing for the Respondents 1, 3, 4 and 5 and the Learned Standing Counsel appearing for the Respondents 2 and 6/Corporation of Chennai.

3. The stand of the Petitioner is that he is the Joint Owner of the Property situated at Door No.167, T.T.K. Road, Alwarpet, Chennai and that his property is a corner property with T.T.K. Road on one side and Alwarpet Street on the other side. Further, he has three shops on the side of his property facing Alwarpet Street. On the side of his property facing Alwarpet Street, an unauthorized Auto Stand has been put up by some unscrupulous elements on the Street abutting his property and an Auto Stand Board bearing No.91/DA/18.11.1999.622.ACT has been put up.

4. The grievance of the Petitioner is that an illegal Auto Stand started on the road margin completely blocks the access to the shops in his property, apart from creating traffic bottle neck at the junction of Alwarpet Street and T.T.K. Road. Because of the nuisance created by the Auto Stand Drivers, he is unable to enjoy his property and not even able to Lease out the shops in his property, as the Auto Drivers are obstructing an entrance to the shops by parking the Autos in the front and refusing to remove the same. Hence, he had submitted a representation to the Respondents on 04.12.2017, setting out the aforesaid facts and prayed for taking action to remove the illegal Auto Stand in front of his property.

5. Since no action was taken for the past four months and the illegal Auto Stand is being run on the road margin, the Petitioner has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondents

to consider his representation dated 04.12.2017 and to take action to remove the illegal and unauthorized Auto Stand at Alwarpet Street in front of his premises at Old Door No.167, T.T.K. Road, Alwarpet, Chennai.

6. In the counter of Respondents 2 and 6, it is stated that the claim of the Petitioner is to be addressed by the Police Department, inasmuch as the Greater Chennai Corporation is not granting any permission for Auto Stand. At this stage, Learned Additional Government Pleader appearing for Respondents 1, 3, 4 and 5 submits that the Auto Stand at Alwarpet Street in front of the Petitioner's premises at No.167, T.T.K. Road, Alwarpet, Chennai, was removed and now the said place is free and no Auto-rickshaws are allowed to park in that place. Further, in the Status Report dated 25.04.2018, the 3rd Respondent/Deputy Commissioner of Police (Traffic) South, had stated that he had handed over nearly 21 abandoned vehicles to the Greater Chennai Corporation and in the year 2017, nearly 18,880 Wrecker Cases were filed against Two-wheelers and 61,392 Wrecker Cases were filed against Four-wheelers, which had obstructed the free flow of traffic in the Traffic South District.

7. Apart from that, the 3rd Respondent/Deputy Commissioner of Police (Traffic) South, proceeded to make a mention in the Status Report dated 25.04.2018 that in the year 2018, upto 22.04.2018, nearly 5,991 cases against Two-Wheelers obstructing the traffic flow and 19,278 cases against Four-Wheelers, were filed in the Traffic South District. Nearly 84,893 cases were filed against the Auto-rickshaws in the Traffic South District for not using Meter/Demanding Excess Fare, Refusal to Ply, Two persons in Driver seat, etc. Further, he had also averred in the said Report, dated 25.04.2018 that actions are being taken to regulate the parking and severe action is taken against the violators of rules. To put it precisely, he had mentioned in his Report that now, 'there is no Auto Stand in front of the Petitioner's premises at Door No.167, T.T.K. Road, Alwarpet, Chennai'.

8. The Additional Commissioner of Police, Traffic, Greater Chennai, in his counter dated 30.08.2018 had stated that he created an effective and continuous awareness among the Auto Drivers in all the Police jurisdiction areas of Greater Chennai City Police and a notification was published in various Tamil and English Dailies, such as Dinamani, Dinamalar, The New Indian Express and Daily Thanthi, on 25.07.2018 and 26.06.2018, in connection with fixing of rear view mirrors outside the Autos. Further, all the Auto Drivers were instructed to fix the Rear View Mirrors outside the Autos to avoid potential accidents, failing which, they will be punished by registering cases as per

the Motor Vehicles Act, 1988 and Tamil Nadu Motor Vehicles Rules, 1989. He has further averred in the counter that the Greater Chennai City Police has conducted 2054 Awareness Programmes in the year 2017 (South District - 712, East District - 396, North District - 434 and West District - 512) and in the year 2018 (upto June), they have conducted 1553 Awareness Programmes (South District - 455, East District - 338, North District - 390 and West District - 370).

9. Further, at paragraph 6 of his counter, the Additional Commissioner of Police (Traffic), Greater Chennai, had averred that he sent a communication to the Commissioner of Transport, Chepauk, Chennai, vide Rc.No.G1/Tr/369/19833/2018, dated 25.07.2018, requesting that the Regional Transport Officer in Chennai City, instructs to enforce proper fixing of side mirrors in Autos. In this regard, the Traffic Police Officials convened meetings with the Auto Drivers to create awareness in connection with fixing of rear view mirrors outside the Autos and instructed to fix the same outside the Autos.

10. While summing up, the Additional Commissioner of Police (Traffic), Greater Chennai, in his counter had stated that with a view to curb the violations of traffic, particularly Autos and enforcement of Traffic Norms and Regulations in the year 2016, 2017 and 2018 (upto 10.08.2018), 48981, 49071 and 25981 charges were made and fine of Rs.55,39,665/-, Rs.57,47,915/- and Rs.32,75,590/- were collected from the violators. That apart, sensitising the issue in question, communications were sent to all levels in the Traffic Police to monitor the fixing of side mirror outside the Autos and ensure parking and non-parking area in their respective Traffic Police jurisdiction.

11. Be that as it may, in view of the fact that the unauthorised Auto Stand in front of the Petitioner's premises at No.167, T.T.K. Road, Alwarpet, Chennai is removed, this Court closes the present Writ Petition, as nothing survives for further adjudication. No costs. Consequently, connected W.M.P.No.10927 of 2018 is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner of Police,
Vepery, Chennai 600 007.
2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.
3. The Deputy Commissioner of Police (Traffic) South,
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E3 Police Station (Traffic),
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6. The Junior Engineer,
Ward No.122, Greater Chennai Corporation,
Teynampet, Chennai 600 018.

+1cc to Mr.A.Nagarajan, Advocate, S.R.No. 59629

+1cc to the Government Pleader, S.R.No. 60109

W.P.No.9102 of 2018

RSK(CO)
GN(17/09/2018)

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