

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.5500 of 2018
and W.M.P.No.6788 of 2018

Traffic Dr.K.R.Ramaswamy ... Petitioner

-vs-

State, Rep. By

- 1.The Chief Secretary to Tamil Nadu,
TN Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Secretary,
Transport Department, Fort St. George,
Chennai.
- 3.The Commissioner,
Transport Department,
Kamarajar Salai, Chennai.
- 4.The Director General of Police-Tamil Nadu,
Office of the Tamil Nadu Police Head Quarters,
Kamarajar Salai, Mylapore, Chennai 600 004.
- 5.The Commissioner of Police,
Police Commissioner Building, E.V.K. Sampath
Sampath Salai, Vepery, Chennai 600 007. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to consider the representation dated 07.03.2018 sent by the petitioner through fax to letter and spirit and enable the Public not to be harassed by the Traffic Police under the guise of spot fine without giving an opportunity to contest the so called allegations/violations in the court of law.

For Petitioner : Mr.K.Arvind
For Respondents : Mr.E.Manoharan
Addl.G.P.

* * * * *

O R D E R
(Made by Ms.Indira Banerjee, Chief Justice)

This writ petition has been directed against imposition and/or collection of spot fine by the Traffic Police against errant vehicles and/or errant drivers. The petitioner has also sought directions on the respondents to suspend or withdraw G.O. Ms.No.1757, Home (Tr.VII) Department, dated 28.01.1992, G.O.Ms.No.628, Home (Tr.VII) Department, dated 29.04.1995 and G.O.Ms.No.30, Home (Tr.VII) Department, dated 11.01.2000.

2.The imposition of fines including spot fines for driving in contravention of traffic rules is permissible in law. There is no law which prohibits the collection of spot fines. The Government Orders in question have been in operation for decades. In anticipation of stray incidents of police excesses or impropriety, the Court cannot entertain a public interest litigation and stop collection of spot fines from errant drivers. The reliefs claimed in this writ petition cannot be in public interest. On the other hand, public interest demands penalization of violators of traffic rules.

3.The incident referred to in paragraph 3 of the affidavit in support of the reliefs claimed by the writ petition is indeed unfortunate. The incident certainly requires to be enquired into. The newspaper reports indicate that the police officer concerned has been suspended and necessary proceedings initiated against him.

4.With regard to the incident, there are numerous newspaper reports. Almost all the newspaper reports indicate that the rider of the scooter was not wearing a helmet and did not stop when asked by the police. Even as per the affidavit of the writ petitioner, the rider did not stop when asked by the police. It is quite shocking that a husband should be irresponsible enough to carry his pregnant wife on a motorcycle without wearing a helmet and then try to flee when the police tried to stop the motor cycle, endangering the safety of his wife. Of course, this observation is not to be construed as any finding of this Court. The observation is based on different newspaper reports as also the affidavit affirmed by Dr.Ramaswamy himself, and is not to influence the investigation into the incident in any manner whatsoever.

The writ petition is, in our view, in gross abuse of the process of this Court and the same is dismissed. No costs. Consequently, W.M.P.No.6788 of 2018 is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Chief Secretary to Tamil Nadu,
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Chennai 600 009.
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RSI (CO)

RRK(10/04/2018)

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