

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25076 of 2014

and

M.P.No.2 of 2014

Ooty Town Tourist Car Sumo and
Maxicab Drivers Welfare Association
Rep.by its President S.Govardan,
No.8, Dr.Ambedkar Street,
Kandhal, Udhagamandalam,
Nilgiris District.

..Petitioner

Vs

1.The District Collector,
Udhagamandalam,
Nilgiris District.

2.The Revenue Divisional Officer,
Udhagamandalam,
Nilgiris District.

3.The Thashildar,
Udhagamandalam,
Nilgiris District.

4.The Superintendent of Police,
Udhagamandalam,
Nilgiris District.

5.The South India Cine-TV Drivers Association,
Near St.Antoney Church,
Charring Cross, Udhagamandalam,
Nilgiris District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st Respondent in Na.Ka C3 No.4876/2013 dated 28.06.2014 and quash the same and consequently direct the 1st Respondent to give effect to the proceedings in Na.Ka.P1-3241/09 dated 28.11.2013 of the 2nd Respondent so as to enable the members of the petitioner association herein to operate their licensed tourists

vehicles for all purpose including for film shooting and related purpose.

For Petitioner : Ms.R.Gouri.

For R1 to R4 : Mrs.A.Sri Jayanthi,
Special Government Pleader

For R5 : No appearance.

O R D E R

The relief sought for in this writ petition is for a direction to call for the records in relating to the proceedings of the 1st respondent in Na.Ka. C3 No.4876/2013 dated 28.06.2014 and quash the same and consequently direct the 1st respondent to give effect to the proceedings dated 28.11.2013 of the 2nd respondent so as to enable the members of the petitioner association herein to operate their licensed tourists vehicles for all purpose including for film shooting and related purpose for as equitable relief.

2. The grievances of the writ petitioners' Association is that whenever they are getting an order for plying their rental vehicle, 5th respondent is unnecessarily interfering and creating a law and order problem. In other words, the writ petitioners' Association is being not allowed to carry out their business peacefully in accordance with law. The frequent illegal interference of the 5th respondent is causing not only nuisance and further, creating financial loss to the writ petitioners' Association. Thus, the petitioners' Association is constrained to move the present writ petition.

3.The learned Special Government Pleader appearing on behalf of the respondents relying on the counter affidavit filed by the first respondent/ District Collector, Udthagamandalam, Nilgiris District, has stated that pursuant to the orders of this court, a meeting was conducted by the District Collector by inviting the representatives of the fifth respondent on 04.12.2000 and based on the discussions held, the following order was issued by the first respondent namely, the Collector of Nilgiris in proceedings No.RC.C3/52330/2000, Dt:11.12.2000:

"1. The Ooty Town Tourist Car Sumo an Maxicab Drivers Welfare Association and the South India Cine-TV Drivers Association members should not compel the Film Producers to engage their vehicles alone.

2.Film Employers Federation should not give any preference to any association and should act in a judicious way. If they act contrary to the above, suitable criminal proceedings will be initiated

against them.

3.The film Producers are at liberty to engage the vehicles of their own choice.

4.The film Federation can engage the vehicles for film shooting of their own choice, by not heeding the compulsion of any association and associations should not create any problem by compelling anybody while engaging the vehicles.

5.Stringent action will be taken against those who create any problem in this issue."

6.It is needless to state that when a law and order problem is created either by the writ petitioners' Association or by the fifth respondent, it is the duty of the competent authority to take appropriate action in the manner known to law. Thus, if there is any illegal interference or creation of law and order problem by the fifth respondent, then the respondents are at liberty to initiate appropriate action in accordance with law against all concerned. Further, this court is of an opinion that both the petitioners' Association as well as the fifth respondent have to conduct their business in the manner known to law and without causing any unnecessary interferences, which may not be conducive for the peaceful conduct of business.

7.With these observations, this writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Udhagamandalam,
Nilgiris District.

2.The Revenue Divisional Officer,
Udhagamandalam,
Nilgiris District.

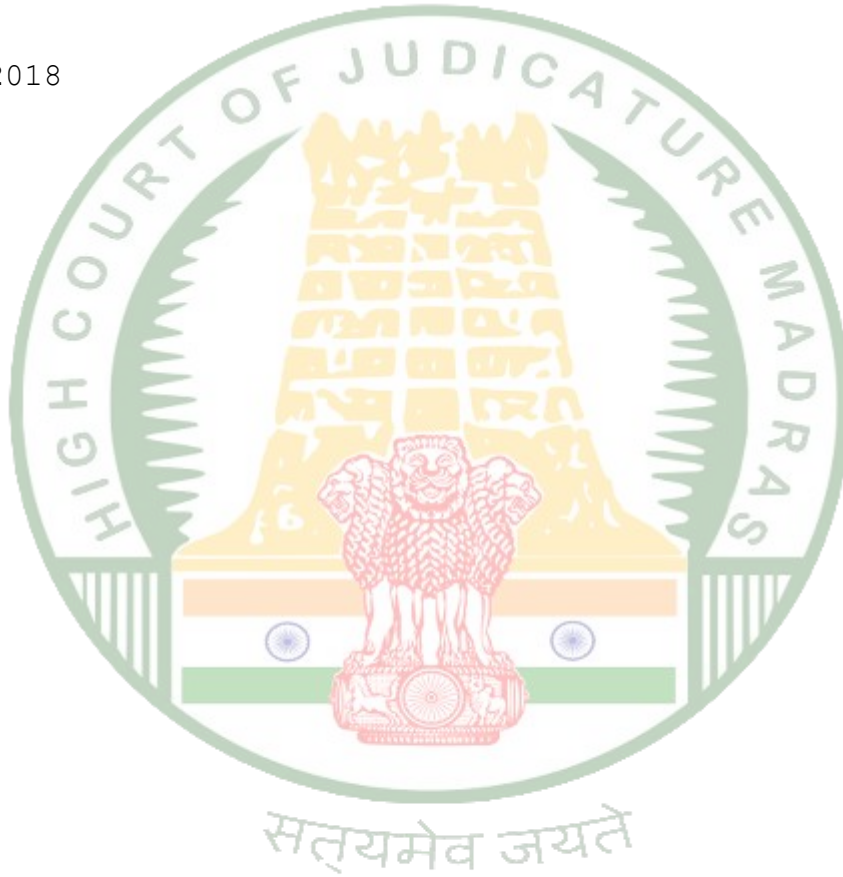
3.The Thashildar,
Udhagamandalam,
Nilgiris District.

4.The Superintendent of Police,
Udhagamandalam,
Nilgiris District.

+1cc to government Pleader in sr.no.29997

W.P.No.25076 of 2014

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