

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P.Nos.1392 and 1403 of 2018
and W.M.P.Nos.1759, 1760 and 1780 of 2018

W.P.No.1392 of 2018

V.Munikrishnan ... Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. By Chief Secretary to Govt.,
Fort St. George, Chennai 600 009.
- 2.The Department of Transport,
Rep. By its Secretary,
Fort St. George, Chennai 600 009. ... Respondents

W.P.No.1403 of 2018

R.Chitravelu ... Petitioner

-vs-

- 1.The Secretary to Govt.,
Transport Dept., Secretariat,
Chennai 600 009.
- 2.The Commissioner,
Transport Dept., Secretariat,
Chennai 600 009.
- 3.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai 600 002.
- 4.The Managing Director,
State Express Transport Corporation,
Pallavan Salai, Chennai 600 002. ... Respondents

Petitions filed under Article 226 of the Constitution of India praying for issue of (i) W.P.No.1392 of 2018 - Writ of Certiorarified Mandamus to call for the entire records, relating to the order of the 2nd respondent in Press Release No.057 dated 19.01.2018 and quash the same and direct the respondents to consider the welfare of the poor people of Tamil Nadu; (ii) W.P.No.1403 of 2018 - Writ of Mandamus directing the respondents to refrain from collecting hiked bus fare from passengers in the Chennai City and in all other Transport Corporation buses plying in Tamil Nadu and in private buses on the basis of the News published in Daily issue of The Hindu, The Indian Express, The Times of India and The Deccan Chronicle, dated 20.01.2018.

For Petitioner in
W.P.No.1392/2018 : Mr.E.Sathiyaraj
W.P.No.1403/2018 : Mr.George Williams

For Respondents : Mr.Vijay Narayan, Adv. General
Asstd. By Mr.T.N.Rajagopalan,
Govt. Pleader (I/c.) and
Mr.C.Vigneswaran and Mr.Gautham
Venkatesh, for R-1 in both WPs.
: Mr.E.Manoharan, Addl.G.P.
for R-2 in both WPs.
: Mr.P.Kannankumar for RR 3 and 4
in WP.1403 of 2018.

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

These writ petitions, by way of Public Interest Litigation, have been filed seeking orders restraining the respondents from giving effect to the fare hike in respect of Transport Corporation buses plying in Tamil Nadu and also private buses.

2.The writ petitions have been filed upon reference to news items regarding increase in bus fares, published in various newspapers and in particular, the editions of the Hindu, the Indian Express, the Times of India and Deccan Chronicle, dated 19.01.2018 and 20.01.2018 published from Chennai.

3.From a chart given in W.P.No.1403 of 2018, it appears that in respect of mofussil bus services, the fare hike is as follows:

Mofussil buses	Old	Revised
Ordinary bus	Rs.5	Rs.6
Express	Rs.17	Rs.24

Mofussil buses	Old	Revised
Non-stop super Deluxe	Rs.18	Rs.27
Ultra Deluxe	Rs.21	Rs.33
AC	Rs.27	Rs.42
Non-Stop Super Deluxe	Rs.33	Rs.51

In respect of city bus services, the fare hike is as follows:

Minimum/Maximum Fare	Old	New/Revised
Minimum	Rs.3	Rs.5
Maximum	Rs.12	Rs.19

In respect of Metropolitan Transport Corporation (Chennai), the price hike is as follows:

Minimum/Maximum Fare	Old	New/Revised
Minimum	Rs.3	Rs.5
Maximum	Rs.42	Rs.23

A comparative chart has also been given in respect of long distance bus services. It is stated that a Super Deluxe bus fare from Chennai to Madurai, which was Rs.275/-, has been revised to Rs.415/-, Super Deluxe bus fare from Chennai to Tirunelveli, which was Rs.330/-, has been revised to Rs.590/- and the Super Deluxe bus fare from Chennai to Vellore, which was Rs.80/- has been revised to Rs.118/-. There has also been revision in the fares of Ultra Deluxe buses. A comparison has also been made with train fares. However, bus fares cannot be compared with train fares.

4. There can be no doubt that any hike in prices including hike in bus fares affects the people in general. However, price fixation and/or fare fixation is a matter of policy with which the High Court cannot interfere.

5. It is not for the High Court entertaining a Public Interest Litigation, in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India, to decide what exactly should be the appropriate fare. This has to be determined by experts after taking into account the expenses incurred in running the bus services including the payment of wages to officers and employees, who operate the service. What part of that expenditure, if at all, should be absorbed by the Government by way of subsidy is a matter of Government policy.

6.It is only in exceptional and rarest of rare cases that the Court might intervene when a sudden hike is so arbitrary that it would not permit the conscience of the Court to let the hike go through. There can hardly be any doubt that the instant hike will adversely affect users of bus services. However, this Court cannot interfere in this matter in exercise of its extraordinary jurisdiction of judicial review under Article 226 of the Constitution of India.

7.Learned counsel appearing on behalf of the petitioner in W.P.No.1403 of 2018 rightly submits that bus fares should be displayed in all buses. We direct the respondents to ensure that a fare chart is put on display in all public buses and/or private buses indicating the fares for the various stages on the route.

With the above direction, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1.The State of Tamil Nadu
Rep. By Chief Secretary to Govt.,
Fort St. George, Chennai 600 009.

2.The Secretary to Govt.,
Transport Dept., Secretariat,
Chennai 600 009.

3.The Commissioner,
Transport Dept., Secretariat,
Chennai 600 009.

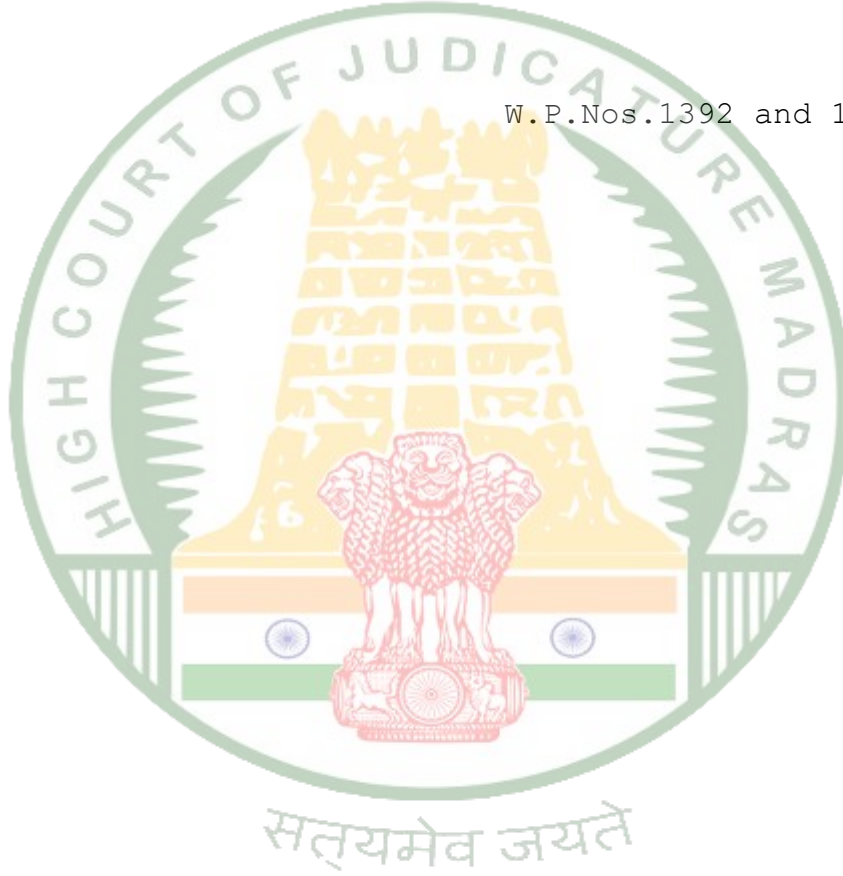
4.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, Chennai 600 002.

5.The Managing Director,
State Express Transport Corporation,
Pallavan Salai, Chennai 600 002.

+3cc to Mr.P.Kannan kumar, Advocate sR.No.5632/18
+1cc to Mr.E.Sathyaraj, Advocate SR.No.5950/18
+1cc to Government Pleader SR.No.5900/18,5899,5564
+1cc to Mr.RY.George Williams Advocate Sr.No.5723

VGI (CO)
sm:6.2.2018

W.P.Nos.1392 and 1403 of 2018



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