

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05..09..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.15703 of 2018
and
W.M.P.No.18653 of 2018

SRT Bus Transport,
Rep. by its Proprietor,
P.R.Venkataraman,
No.146, Indira Nagar,
Seelanaickenpatty,
Bye Pass Main Road,
Salem 636 201.

... Petitioner

-Versus-

- 1.The District Collector,
Office of Collectorate,
Namakkal District,
Namakkal.
- 2.The Commissioner,
Namakkal Municipality,
Namakkal.
- 3.The Chairman,
Namakkal Municipality,
Namakkal.
- 4.The Executive Officer / Manager,
Namakkal Municipality,
Namakkal.
- 5.The Town and Country Planning Officer,
Namakkal Municipality,
Namakkal.
- 6.The Regional Transport Officer,
Namakkal Region,
Namakkal.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the Resolution No.498 dated 12.01.2016

passed by the respondent Municipality and undersigned by the 4th respondent vide reference Na.Ka.No.11380/2014/A2 dated 29.12.2017 on the file of the 2nd respondent and to quash the same.

For Petitioner : Mr.K.T.S.Sivakumar
For Respondents : Mr.A.N.Thambidurai,
Spl. Govt. Pleader for
R1, R5 and R6
Mr.M.Rajamathivanan for
R2 to R4

ORDER

Challenging the Resolution No.498 dated 12.01.2016 passed by the 2nd respondent Municipality and undersigned by the 4th respondent vide reference Na.Ka.No.11380/2014/A2 dated 29.12.2017 on the file of the 2nd respondent, the petitioner has come up with this writ petition.

2. The case of the petitioner, in brief, is that he is operating omni buses from Karur to Chennai and Namakkal to Chennai as per the Contact Carriage Permit issued in his favour and his drivers used to drop and pick up passengers at Namakkal Bus-Stand. The 2nd respondent municipality at present collecting an entry fee of Rs.12/- per day for each bus. The drivers of the petitioner buses used to pay the entry fees regularly. Since there is no sufficient parking space available inside the bus stand to enable them to park the buses conveniently, his drivers have been parking their buses on the park road opposite to Namakkal Bus Stand, dropping and collecting passengers and they are paying necessary entry fees to the respondent municipality. While so, now, by way of impugned resolution, the 2nd respondent municipality decided to collect a sum of Rs.100/- per day as parking fee for each vehicle. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that since there is no sufficient space available inside Namakkal bus stand, the drivers of the petitioner are being compelled to park their buses on the park road belonging to the respondent municipality. The respondent municipality has been collecting a sum of Rs.12/- per day for each bus which are parked inside the bus stand premises. While so, the respondent Municipality by way of impugned resolution has decided to collect a sum of Rs.100/-

per day for each bus for parking on park road, which, according to the learned counsel, is exorbitant and also in addition to the entry fees being paid for parking the vehicles inside the bus stand and therefore, the resolution is liable to be struck down.

4. The learned counsel for the 2nd respondent municipality submitted that the buses operated by the private owners should enter into the Namakkal Bus stand to drop and pick up passengers but, the petitioner buses did not enter into the bus stand, instead in order to avoid payment of entry fees, they used to park their buses on the park road which causes revenue loss to the respondent municipality. Further, the respondent municipality is availing additional manpower to clean the park road where the buses are now parked as the passengers litter the park road with rubbish and throw leftovers and spit indiscriminately. Therefore, according to the learned counsel, the respondent municipality has no other option except to collect a sum of Rs.100/- per day for each bus for parking their vehicles outside the bus stand on park road.

5. I have considered the rival submissions carefully.

6. Admittedly, the petitioner has been issued with contract carriage permits to operate omni buses from Namakkal to Chennai. The drivers of the petitioner buses are supposed to park/stop their buses inside the bus stand to drop and pick up passengers. The entry fees are collected by the respondent municipality only from the drivers of the bus who enter into the Namakkal bus stand and whereas the parking fee is collected from the drivers who park their vehicles on the park road. The grievance of the petitioner is that for want of availability of space, they are forced to park their vehicles on the park road after having paid necessary entry fees to the respondent municipality. While so, according to the petitioner, the respondent municipality has decided to collect another sum of Rs.100/- towards parking charges from the drivers who park their vehicles on park road. In the considered opinion of this court, the parking fee fixed for the vehicles which are parked on park road cannot be said to be exorbitant. The parking charges are collected only from the drivers who prefer to park their vehicles on the park road instead of parking inside the bus stand premises and from the drivers who park their vehicles outside the bus stand in order to avoid payment of entry fees. As rightly pointed out by the learned standing counsel for the respondent municipality as the park road belonging to the municipality is being used as parking area, the respondent municipality has to necessarily use

additional manpower to clean the garbages dumped by the omni buses. If the petitioner feels that the parking charges fixed under the impugned resolution is exorbitant, it is always open to him to pay a sum of Rs.12/- per day for each bus and park his vehicles inside the Namakkal bus stand and there is no compulsion on him to park his vehicles on the park road. In the above said circumstances, this court does not find any merit in the instant writ petition and the same deserves only to be dismissed.

In the result, this writ petition is dismissed. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kmk

To

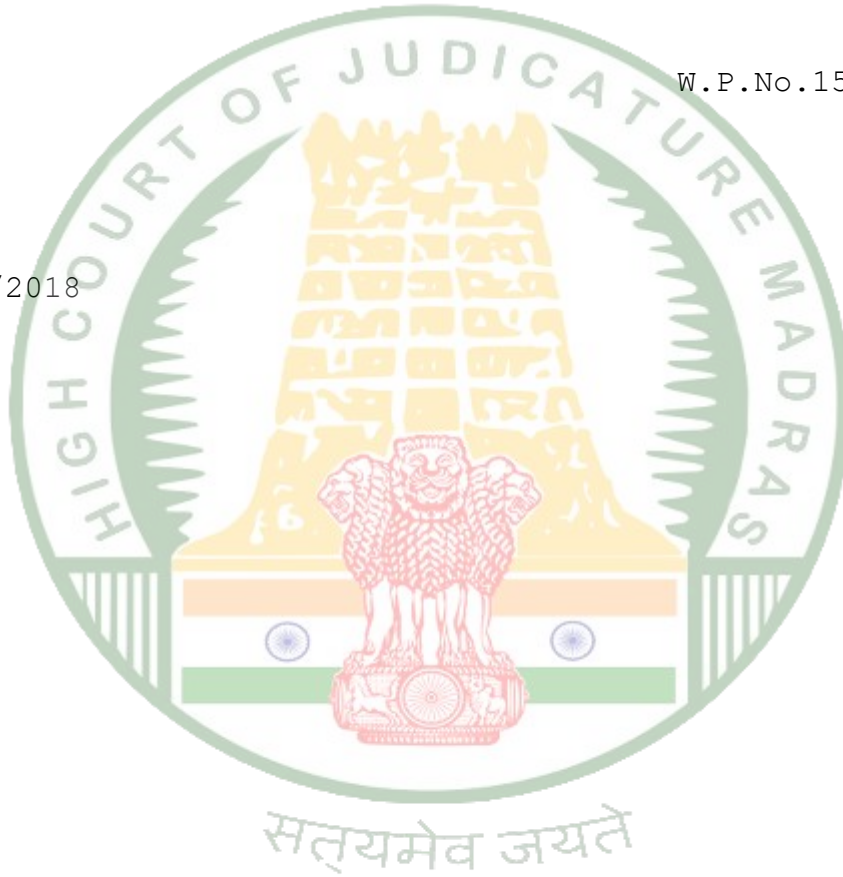
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+1cc to Thiru M.Rajamathivanan, Advocate Sr.61574
+1cc to thiru K.T.S.Sivakumar, Advocate Sr.62228
+1cc to the Government Pleader Sr.61807

W.P.No.15703 of 2018

mr[co]
srg 04/10/2018



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