

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.19225 of 2018
and
W.M.P.No.22622 of 2018

Coonoor Consumer Protection Association
No.57-60, YMCA
Mount Road, Coonoor
The Nilgiris-643 102,
rep.by its President. ... Petitioner

-vs-

- 1.The Secretary,
Home (Transport-VI) Department,
Fort St.George, Chennai-600 009.
- 2.The Regional Transport Officer,
Udhagamandalam,
The Nilgiris.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation Limited (Coimbatore)
Ltd.,
Coimbatore-43.
- 4.The General Manager,
Tamil Nadu State Transport Corporation Limited (Coimbatore)
Ltd.,
Ooty Branch, Udhagamandalam,
The Nilgiris. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the third and fourth respondents from collecting fare in excess than the rate fixed by the first respondent in Notification No.III in G.O.(Ms.)No.48, Home (Transport-VII) Department, dated 28.01.2008 in so far as the Ghat Roads within the Nilgiris District.

For Petitioner : Mr.R.Sivakumar

ORDER
(Order of the Court was made by
THE HON'BLE ACTING CHIEF JUSTICE)

The present writ petition has been filed for issuance of a Writ of Mandamus forbearing the third and fourth respondents from collecting fare in excess than the rate fixed by the first respondent in Notification No.III in G.O.(Ms.)No.48, Home (Transport-VII) Department, dated 28.01.2008 in so far as the Ghat Roads within the Nilgiris District.

2.The petitioner states that the general public are depending upon only the third and fourth respondents for their transport facilities as there is no private stage carrier operating in this District. While so, whenever there is a fare revision, the third and fourth respondents themselves are fixing 20% extra fare than the fares applicable to the plains, when it is the fact that the fare already fixed by the first and second respondents, includes the said 20% extra cost.

3.The learned counsel for the petitioner has filed this writ petition stating that it is a Public Interest Litigation for the benefit of the general public and there is no personal interest involved.

4.The main grievance of the petitioner is that the third and fourth respondents are charging excess fare than the one already fixed. In this connection, we would only say that it is for the petitioner to approach the competent authority and submit a representation seeking for clarification as to what is the basis for collecting such extra fare. This writ petition cannot be treated as a Public Interest Litigation as it is only the grievance of the petitioner. As a matter of policy and to meet out the administrative exigencies, now and then the authorities would take a decision. Hence, if the petitioner is aggrieved by the same, he can very well make a representation seeking details from the authorities. If any such representation is made, the authorities shall provide appropriate answers as to the policy decision taken and the basis for charging such excess fare.

5.The writ petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

KM
To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home (Transport-VI) Department,
Fort St.George, Chennai-600 009.
- 2.The Regional Transport Officer,
Udhagamandalam,
The Nilgiris.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation Limited (Coimbatore)
Ltd.,
Coimbatore-43.
- 4.The General Manager,
Tamil Nadu State Transport Corporation Limited (Coimbatore)
Ltd.,
Ooty Branch, Udhagamandalam,
The Nilgiris.

+1cc to Mr.R.Sivakumar, Advocate SR.No.59594

+1cc to Government Pleader SR.No.54508

W.P.No.19225 of 2018
and
W.M.P.No.22622 of 2014

SMI/24.08.2018

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