



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.12661 of 2016

R.Fathima

... Petitioner

-vs-

- 1.The Home Secretary,
Government of Tamilnadu,
Chennai - 600 009.
- 2.The Secretary,
Transport Department,
Government of Tamilnadu,
Chennai - 600 009.
- 3.The Transport Commissioner,
Government of Tamilnadu,
Chennai.
- 4.The District Collector,
Madurai District,
Madurai.
- 5.The Commissioner of Police,
Madurai City,
Madurai District.
- 6.The Road Transport Officer,
Madurai North,
Madurai District.
- 7.The Road Transport Officer,
Madurai South,
Madurai District.
- 8.The Inspector of Police,
Didir Nagar Police Station,
Madurai District.

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to consider the petitioner representations dated 25.06.2016 and 27.06.2016 to save the life of public.

WEB COPY

Petitioner : Died

For Respondents : Mr.K.Chellapandian
Additional Advocate General,
Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed seeking a direction to the Respondents to consider the petitioner's representations dated 25.06.2016 and 27.06.2016 to save the life of public.

2.Unfortunately the petitioner is no more. In the counter affidavit filed by the respondent No.5, it is stated as follows:

"6.I further state that the reply towards in connection with representation that has been routed through online on 27.06.2016, have not contain any specific materials also it does not contain any valid allegation to take appropriate action whereas it only refers to the bald allegation with regard to the operating of the autos by violating the Traffic norms as well as the provision of Motor Vehicles Act 1988. It is pertinent to say herein that in Madurai City, irrespective of timing, often this respondent used to deploy the police men so as to curb the traffic rules violators, in particular, so as to have a keen watch on the plying of autos. As and when, any violation is noted either in the seating arrangements of autos or in possessing the required documents, immediately we used to take stringent action against such law breakers in such a way last year we have booked totally 45,636 cases as against the auto drivers who have plied their vehicles in violation of the said Act and Rules in which we have collected a sum of Rs.66,15,800/- and for this year, till 30.06.2016, a total number of 34,047 cases were booked by which a sum of Rs.45,96,100/- was collected as fine so far. Those figures would make it very clear that we have been taking necessary action as against those violators and even in future, certainly our action would be in more strengthening from strictly in adherence with law. Joint operations are also being carried out by our department along with transport authorities to stop and prosecute violators of provision of



MV Act and rules.

7.I further state that after considering the petitioner's representation dated 25.06.2016 and 27.06.2016 a detailed reply indicating the action taken thereon, has been sent to the writ petitioner and in view of the reason that her representation were being fully well answered, as of now there is no cause of action for pressing the main writ petition and hence the same may be disposed of as "infructuous".

Similar counter affidavit has been filed by the third respondent. Action taken is also indicated. In such view of the matter, we are inclined to close this petition.

3.Accordingly, this Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-)

To

- 1.The Home Secretary,
Government of Tamilnadu,
Chennai - 600 009.
- 2.The Secretary,
Transport Department,
Government of Tamilnadu,
Chennai - 600 009.
- 3.The Transport Commissioner,
Government of Tamilnadu, Chennai.
- 4.The District Collector,
Madurai District, Madurai.
- 5.The Commissioner of Police,
Madurai City, Madurai District.
- 6.The Road Transport Officer,
Madurai North, Madurai District.
- 7.The Road Transport Officer,
Madurai South,
Madurai District.
- 8.The Inspector of Police,
Didir Nagar Police Station,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 85201

SJ

TE/SKN/SAR-1 : 12/10/2018 : 3P/10C