

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5206 to 5209 & 6900 to 6902 of 2003

W.P.M.P.Nos.6664 to 6670 of 2003

Pollachi Taluk Bus Owners Association (Regd.)

Rep. by its President,

Mr.K.K.Naiyappan,

No.36, Rathinavinayagar Street,

Venkatesa Colony, Pollachi - 2.

...Petitioner

Thirumoorthi Bus Transports,

No.1 Municipal Office Road,

Pollachi.

...Petitioner in WP.No.5207/2003

Aman Bus Service,

No.59, Venkatesa Colony,

Pollachi.

...Petitioner in WP.No.5208/2003

Gangadharan Automobile Pvt Ltd.,

14-A, Goods Shed Road,

Pollachi.

...Petitioner in WP.No.5209/2003

Thirumurthi Transports (P) Ltd.,

2,S.V.V.Naidu Street,

Pollachi.

...Petitioner in WP.No.6900/2003

K.Saraswathy,

Jai Motor Service,

35, Dr.Munusamy Nagar,

Ramanathapuram, Coimbatore-45.

...Petitioner in WP.No.6901/2003

Sree Kamalam Bus Transport,

4, Municipal High School Road,

Pollachi-642 001.

...Petitioner in WP.No.6902/2003

Vs.

1.The Transport Commissioner,

Chepauk, Chennai - 5.

2.The Regional Transport Authority,

Coimbatore

3. The Secretary Regional Transport Authority, Pollachi.
4. The Secretary, Regional Transport Authority, Coimbatore (South).
5. The Sub Collector, Pollachi.
6. The Revenue Divisional Officer, Coimbatore.
7. The Asst. Commissioner of Police (Law & Order) (West), Coimbatore.
8. Deputy Superintendent of Police, Pollachi.
9. Divisional Manager, Tamil Nadu State Transport Corporation Ltd. (Divn.No.I), Pollachi.
10. Divisional Manager Tamil Nadu State Transport Corporation Ltd., Ukkadam, Coimbatore. ... 1 to 10th Respondents 1 to 10 in all W.Ps.
11. Divisional Manager, Tamil Nadu State Transport Corporation Ltd., Udumalpet. ... 11th Respondent-11 in WP.5208/03 & 5209/03.
12. Divisional Manager Tamil Nadu State Transport Corporation, Ltd., Palani. ... 11th Respondents 11 in WP.5207/03 6900/03, 6901/03 & 6902/03
13. The Tamil Nadu State Transport Corporation Ltd., rep. by its Managing Director, No.37, Mettupalayam Road, Coimbatore. ... 12th Respondents/12 in WP.5207/03, 5208/03, 5209/03, 6900, 6901 and 6902 of 2003

...Respondents 1 to 13 in WP.No.5206/03

Common Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records on the file of the first respondent dated 27.02.2002 vide Lr.R.No.E4/83428/2001 and quash the same in so far as the petitioner is concerned and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.M.Krishnappan,
Senior Counsel.
for M/s.R.Swarnalatha

For Respondents : Mr.J.Ramesh,
Additional Government Pleader.

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

2. The petitioner is a registered Association to look after the interest of the operators in Pollachi Taluk. It has now 23 members whose names, addresses, register numbers and routes have been furnished in the typed set. This deponent has been authorised to file the writ petition before this Court. The petitioners are operating the services between Pollachi bus stand and Coimbatore bus stand. Whiles, the officials of the Tamil Nadu State Transport Corporation, Chennai were preventing the passengers from getting into the bus of the Private operators and compelling them to come in a queue system. This action was not prevented by the Transport Authorities in the year 1999 and therefore some of the private operators and Coimbatore District Bus Transport passengers Sangam, Pollachi filed writ petitions No. 14295 etc. of 1999 before this Court for a Mandamus, restraining the Transport Corporation and their officials from in any manner preventing the passengers from getting into the bus of their choice.

3. After issuing notice to the Transport authorities as well as the Transport Corporation, this Court by judgment dated 17.11.1999 was pleased to hold that nobody can prevent the passengers from getting into the buses of their choice to reach their destination and under the guise of regulating the queue system, the right of passengers cannot be interfered with. Subsequently, at the instance of the Tamil Nadu State Transport Corporation, a clarification petition in W.M.P.No. 8720/2000 was filed and this Court by judgment dated 17.11.2000, was pleased to dismiss the same stating that there is nothing to be

clarified but at the same time there was a direction that the authorities are directed to implement the earlier order in all the bus stand within their jurisdiction. Therefore, the Transport authorities as well as other authorities were not interfering with the choice of passengers from getting into the buses and the operation by the private operators including the Transport corporation were peaceful.

4. The learned Additional Government Pleader appearing for the respondents would submit that the Transport Authority in order to maintain discipline among the passengers has to interfere with the time schedule of the Corporation and for the same issue, present impugned order was passed.

5. Perused the impugned order and the materials placed before this Court.

6. On a perusal of the impugned order it is seen that the 1st respondent, Transport Commissioner, has stated that the buses leaving for the same destination within a period of 15 minutes ahead along will be allowed to park in the particular bays. The passenger will not be allowed to step in and sit in the second (or) third bus which has got departure time behind the first bus, leaving for the particular destination. If the passengers want to board and travel in a particular bus (i.e) in the second or third, bus, let them wait till the departure of the previous bus/buses.

7. In respect of the second condition, the passengers will not be allowed to step in and sit in the second or third bus which has got departure time behind the first bus. The time imposed in the minutes of the meeting are arbitrary and the Authority cannot insist the passenger not to board into bus. It is absolutely choice of the bus to choose their buses according to their convenience.

8. Hence, I am inclined to quash the second condition imposed in the impugned order dated 27.02.2002. However, I am not inclined to interfere with the other conditions. The writ petition is allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

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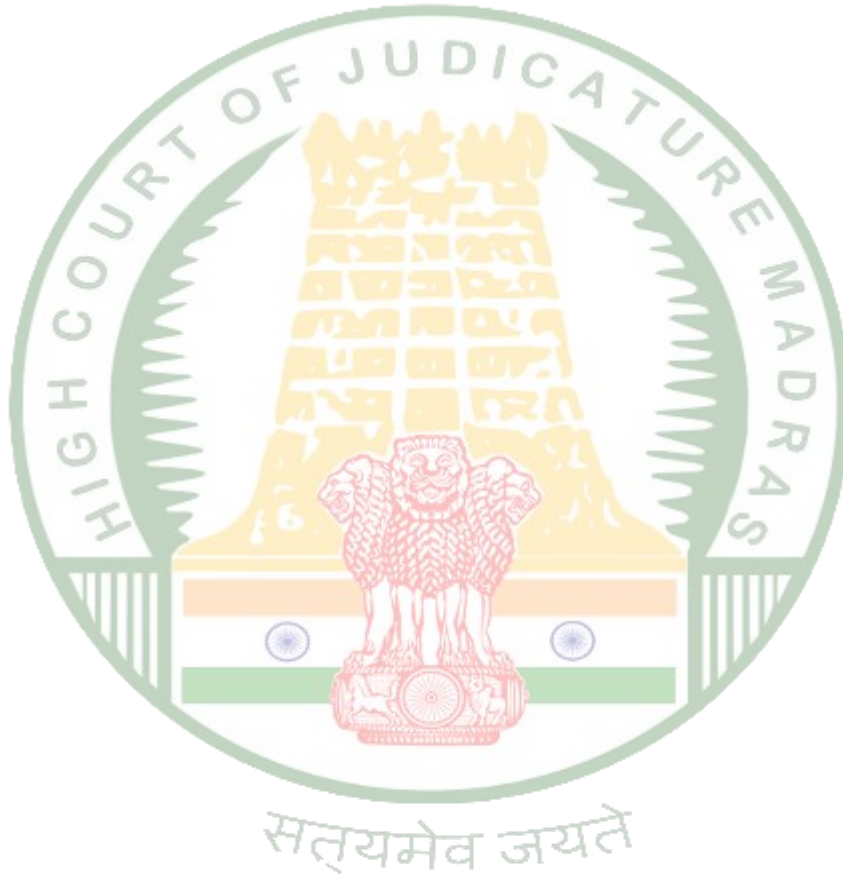
To

- 1.The Transport Commissioner,
Chepauk, Chennai - 5.
- 2.The Regional Transport Authority,
Coimbatore
3. The Secretary Regional Transport
Authority, Pollachi.
4. The Secretary, Regional Transport
Authority, Coimbatore (South).
5. The Sub Collector,
Pollachi.
6. The Revenue Divisional Officer,
Coimbatore.
7. The Asst. Commissioner of Police
(Law & Order) (West),
Coimbatore.
8. Deputy Superintendent of Police,
Pollachi.
9. Divisional Manager,
Tamil Nadu State Transport Corporation
Ltd. (Divn.No.I), Pollachi.
- 10.Divisional Manager
Tamil Nadu State Transport Corporation
Ltd., Ukkadam, Coimbatore.
- 11.Divisional Manager,
Tamil Nadu State Transport Corporation
Ltd., Udumalpet.
- 12.Divisional Manager
Tamil Nadu State Transport Corporation,
Ltd., Palani.
- 13.The Tamil Nadu State Transport Corporation
Ltd., rep. by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

+2cc to M/s.V.R.Kamalanathan, Advocate SR.67146 & 67147
+1cc to M/s.R.Swarnalatha, Advocate SR.66549
+1cc to the Government Pleader SR.67116

W.P.Nos.5206 to 5209 & 6900 to 6902 of 2003

CP(CO)
CB(11/12/2019)



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