

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:08.04.2019
C O R A M
The Honourable Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.42050 of 2006 &
MP.Nos.1 & 2 of 2006

Prime Source Technologies P. Ltd.,
Having its Registered Office at
24, Ramakrishna Street,
T.Nagar,
Chennai-600 017

by its Director S.Venkatesan Petitioner/Petitioner

Vs

1.The State of Tamil Nadu,
Secretary to Government, Home Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Egmore,
Chennai.

3.The Joint Commissioner of Police,
Traffic Control, Greater Chennai,
Vepery,
Chennai.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondents in connection with the Notification of the 2nd respondent dated 22.04.2005 bearing No.VI(1)/181(a)/2005 in R.C.No.Tr.Imp(1)/390/3059/2005 and the consequential proceedings of the 3rd respondent dated 27.07.2005 in R.C.No.TR.IMP.(2)/1441/12535/2005 and to quash the same and consequently to direct the respondents to forbear from interfering with the movement of container trailers from the Seaport of Chennai to the warehouse/go downs of the petitioner at T.Nagar, Chennai and vice versa between 11.00p.m. And 6.00 a.m. in the route outlined in the petitioner's representation dated 22.06.2005 totally avoiding Anna Salai.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mr.K.S.Suresh, Government Advocate

O R D E R

This Writ Petition has been filed for a Writ of Certiorari cum Mandamus to call for the records of the respondents and quash the notification of the second respondent dated 22.04.2005 and consequential proceedings of the third respondent dated 27.07.2005 and consequently direct the respondents to forbear from interfering with the movement of container trailers from the Seaport of Chennai to the warehouses / godowns of the petitioner at T.Nagar, Chennai.

2.The petitioner is a Company engaged in the business of import and distribution of computer components and has been carrying on business since 1994. The petitioner stated that it is mainly importing computer components from Thailand, Taiwan and China in containers received in the destination sea-port, Chennai. It is further stated that these containers were transported to warehouses/godowns of the petitioner at No.24, Ramakrishna Street, T.Nagar, Chennai and No.16, Singaram Street, T.Nagar, Chennai, through container trailers between 11.00 p.m. and 6.00 p.m. The petitioner further states that this procedure was followed from 1994 to early 2005.

3.In the above circumstances, the second respondent issued a notification No.R.C.No.Tr.Imp(1)/390//3059/2005 dated 22.04.2005 recommending restrictions in the movement of heavy vehicles carrying containers. According to the petitioner, the said order applies only to vehicles coming from ECR Road and NH-45 and intending to proceed to the Harbour and vice versa. However, relying on the said notification, the third respondent refused access to the container trailers used by the petitioner for transport of containers from the Chennai Port to its godowns/warehouses.

4.Subsequent to the said notification, the petitioner addressed a letter dated 26.05.2005 to the Commissioner of Police, Traffic Control Chennai seeking permission for moving the containers through container Trailer with an undertaking that the trailers would ply between 11.00 p.m. and 6.00 p.m. without hindrance to the normal flow of traffic. In response, the Deputy Commissioner of Police, Traffic South, by letter dated 09.06.2005, called upon the petitioner to outline the route proposed to be taken by avoiding Anna Salai to the maximum extent. By reply dated 22.06.2005, the petitioner outlined the route proposed to be taken whereby Anna Salai would be avoided. A further representation dated 28.06.2005 was also submitted in this regard. However, the petitioner was served with the proceedings of the third respondent dated 27.07.2005 informing

the petitioner that it may transfer the materials through some other mode of transport in view of the restrictions imposed on movement of containers in Chennai City. The above mentioned notification dated 22.04.2005 and the proceedings dated 27.07.2005 are impugned in this writ petition.

5.At the hearing today, the learned counsel for the petitioner submitted that the notification dated 22.04.2005 would apply only to the vehicles carrying containers and travelling from ECR Road and NH-45 and does not apply to the route on which the petitioner was plying the container trailers. In addition, the learned counsel for the petitioner submitted that, in response to the request for an alternative route, by letter dated 22.06.2005, the petitioner submitted an alternative route whereby Anna Salai route was avoided as requested by the Deputy Commissioner of Police, Traffic-South by proceedings dated 09.06.2005. In spite of the same, by impugned order dated 27.07.2005, the petitioner's request was rejected and the petitioner was called upon to transport the materials through some other mode of transport in view of the restrictions imposed on movement of containers in Chennai City.

6.In reply, the learned counsel for the respondent submitted that heavy vehicle movement is restricted on all routes in Chennai City and that an exception cannot be made for the petitioner.

7.The affidavit, documents on record and the oral submissions of both parties are carefully considered.

8.In response to a question put to the learned counsel for the petitioner as to how the materials were transported over thirteen years during the pendency of the writ petition, the learned counsel for the petitioner submitted that the materials were transported in smaller vehicles. In the exercise of supervisory jurisdiction under Article 226 of the Constitution of India, this Court does not sit in appeal over the decisions of executive authorities especially in matters such as the regulation of the movement of traffic which requires analysis of data and expertise in traffic management. Accordingly, there is no reason to interfere with the decision of the third respondent by impugned communication dated 27.07.2005.

9. Accordingly, this Writ Petition stands dismissed. No order as to costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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3. The Joint Commissioner of Police,
Traffic Control, Greater Chennai,
Vepery,
Chennai.

+lcc to Government Pleader sr.34699
+lcc to Mr.T.M.Hariharan, Advocate sr.35061

सत्यमेव जयते

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