

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.4314 of 2019
and
WMP No.4854 of 2019

Coonoor Consumer Protection Association,
rep. by its President. Petitioner

vs.

1. The Secretary,
Home (Transport VI) Department,
Fort St. George,
Chennai - 09.

2. The Regional Transport Officer,
Udhagamandalam,
The Nilgiris.

3. The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Coimbatore - 43.

4. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Ooty Branch,
Udhagamandalam,
The Nilgiris

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, calling for the records of the 4th respondent in his proceedings No.1091 AM(N)/TNSTC/AM/2018 and quash the order dated 13.9.2018 and subsequently issue appropriate direction forbearing the 3rd and 4th respondents from collecting fare in excess than the rate fixed by the 1st respondent vide Notification No.III, in G.O.(Ms) No.48 Home (Transport-VII) Department, dated 28.1.2018 for their buses at Nilgiris District.

For Petitioner : Mr.R.Sivakumar

For Respondents: Mr.E.Manoharan (for R1 & R2)
Additional Government Pleader
Ms.Rajini Ramadas (for R3 & R4)

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Material on record discloses that earlier Coonur Consumer Protection Association represented by its President has filed W.P.No.19225 of 2018, for a writ of mandamus, forbearing the Managing Director, Tamilnadu State Transport Corporation (Coimbatore) Limited, Coimbatore and the Regional Manager, State Transport Corporation (Coimbatore) Limited, Nilgiris, respondents 3 and 4 therein, from collecting fare in excess then the rate fixed by the Government in Notification No.III in G.O. (Ms.)No.48, Home (Transport-VII) Department dated 28.01.2018, insofar as the Ghat Roads within the Nilgiris District.

2. Petitioner has contended that though respondents 3 and 4 were permitted to collected 20% extra fare than the fares applicable to the plains, still they charge over and above the same. Having regard to the said contention, a Hon'ble Division Bench of this Court in W.P.No.19225 of 2018 dated 07.08.2018, permitted the petitioner to make a representation and also directed the authorities to provide appropriate answers as to the policy decision taken and basis for charging such excess fare.

3. Pursuant to the permission and direction, petitioner has sent a representation dated 04.09.2018 to the Secretary to Government, Home (Transport-VI) Department, Chennai, the Regional Transport Officer, Udhagamandalam, The Nilgiris, the Managing Director, Tamilnadu State Transport Corporation (Coimbatore) Limited, Coimbatore and the General Manager, Tamilnadu State Transport Corporation (Coimbatore), Limited, Udagamandalam Division, The Nilgiris, respondents 1 to 4, respectively.

4. Noticing that there were specific instances of buses bearing Regn.Nos.TN38 N 2881, TN38 N 2849, TN38 N 2368 and TN38 N 2966, travelling between X and Y places, and responding to the letter dated 04.09.2018, Tamil Nadu State Transport Corporation (Kovai) Limited has sent a reply dated 13.09.2018 to Coonoor Consumer Protection Association, petitioner herein. Being aggrieved by the reply dated 13.09.2018, Coonoor Consumer Protection Association, has filed the instant writ petition to quash the proceedings of the 4th respondent in No.1091 AM(N)/TNSTC/AM/2018 dated 13.9.2018 and consequently, to issue

appropriate direction forbearing the 3rd and 4th respondents from collecting fare in excess than the rate fixed by the 1st respondent vide Notification No.III, in G.O.(Ms) No.48 Home (Transport-VII) Department, dated 28.1.2018 for their buses at Nilgiris District.

5. Material on record further discloses that responding to the letter dated 04.09.2018 sent by Coonoor Consumer Protection Association, the Regional Transport Officer, Ooty, vide proceedings in R.No.19172/A3/2018 dated 11.10.2018, has sent a reply to the writ petitioner, stating that copy of the letter dated 04.09.2018 received from the petitioner has been forwarded to Tamilnadu State Transport Corporation, to provide appropriate answers as to the policy decision taken and the basis for charging excess fare.

6. From the above, it could be deduced that Tamilnadu State Transport Corporation, Coimbatore Division, is yet to furnish an answer to the Regional Transport Officer, Ooty, so as to enable the Regional Transport Officer, Ooty, to provide answers to the petitioner about the policy decision taken and the basis for charging excess fare. Even before such an information is received by the Regional Transport Authority, Coimbatore and communicated, petitioner has approached this Hon'ble Court to quash the letter dated 13.09.2018 stated supra.

7. From the above, it is our considered view that writ petition is pre mature. Tamil Nadu State Transport Corporation (Coimbatore) Division, Coimbatore, 3rd respondent herein is directed to provide appropriate answers, as to the policy decision taken and the basis for charging excess fare, both to the Regional Transport Officer, Ooty, as well as to the Coonoor Consumer Protection Association, within a period of two weeks from the date of receipt of a copy of this order.

8. Writ petition is disposed of, accordingly. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

ars/dm

To

1. The Secretary,
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Fort St. George,
Chennai - 09.

2. The Regional Transport Officer,
Udhagamandalam,
The Nilgiris.

3. The Managing Director,
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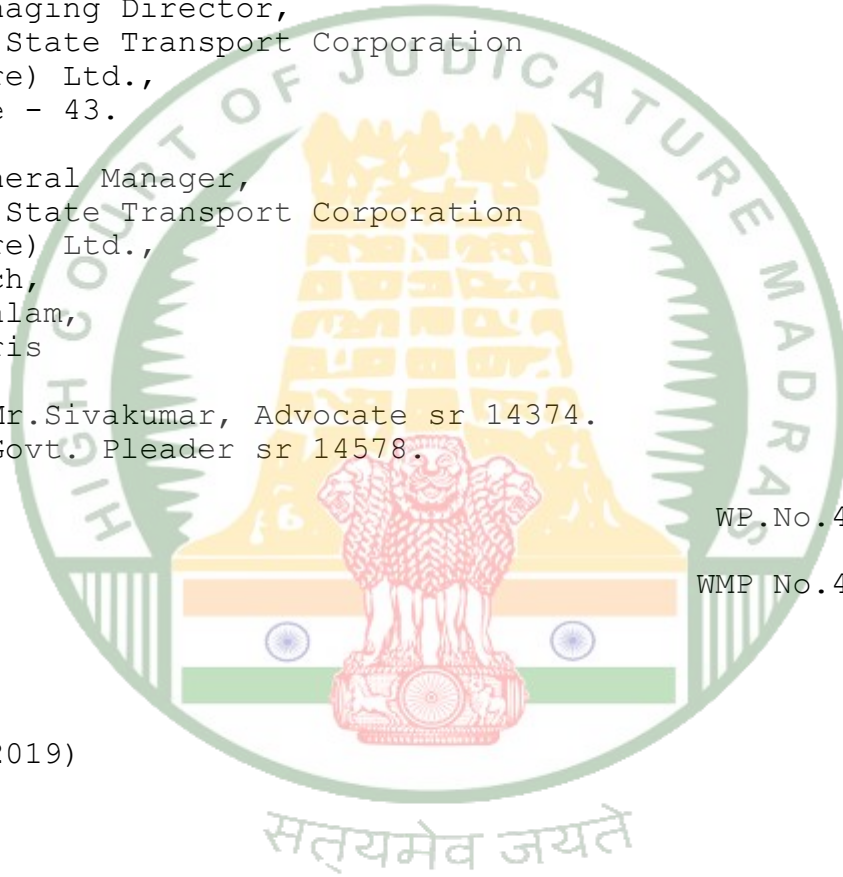
4. The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Ooty Branch,
Udhagamandalam,
The Nilgiris

+1 CC to Mr.Sivakumar, Advocate sr 14374.

+1 CC to Govt. Pleader sr 14578.

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MG(CO)
SP(05/04/2019)



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