



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD) No.20815 of 2017

Santhosam

... Petitioner

vs.

1.The State of Tamil Nadu,
rep.by its Secretary,
Transport Department,
Secretariat,
Chennai.

2.The Transport Commissioner,
Transport Department,
Ezhilagam,
Chennai.

3.The District Collector,
Tirunelveli,
Tirunelveli District.

4.The Regional Transport Officer,
Regional Transport Office,
NGO B Colony,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 10.10.2017 within the time frame stipulated by this court.

For Petitioner	:	Mr.P.Samuel Gunasingh
For Respondents	:	Mr.P.Kannithevan Additional Government Pleader

O R D E R

This writ petition is filed seeking direction to the respondents to consider the petitioner's representation dated 10.10.2017, with regard to the irregularities taking place in the office of the fourth respondent.



2.Rule 118(1) and (2) of the Central Motor Vehicles Rules, 1989 has been amended, as per which, every commercial cab shall be fitted with speed limiting devices. Since many cab operators have fixed unapproved speed limiting devices, the respondents insisted them on fixing the devices approved by them.

WEB COPY

3.It is the grievance of the petitioner that he should not be compelled to purchase the device from a particular company, prescribed by the respondents.

4.The respondents filed counter affidavit stating that if the device is fixed from an approved agency, then, they have no grievance. Further, without approaching the appellate authority and exhausting the alternative remedy, the petitioner has rushed to the Court and therefore, the writ petition is liable to be dismissed.

5.It is no doubt that as per the statute and also in the public interest, speed limiting devices should be fixed, that too from the approved manufacturers.

6.The learned Additional Government Pleader would submit that in respect of Tirunelveli District, three approved dealers are specified and it is open to the petitioner to purchase from any one of the dealers and the respondents are not insisting the petitioner to purchase only from a particular dealer.

7.Considering the aforesaid submissions, this writ petition is disposed of with a direction to the petitioner to approach the respondents to get the list of approved dealers and comply with the statutory requirements. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu,
Transport Department,
Secretariat, Chennai.

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chennai.



3.The District Collector,
Tirunelveli,
Tirunleveli District.

4.The Regional Transport Officer,
Regional Transport Office,
NGO B Colony,
Tirunelveli.

W.P(MD) No.20815 of 2017
16.09.2019

MJ
MS/03.10.2019/3P.5C