

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.2164 of 2020

M.Elangovan

... Petitioner

Vs

1.The Transport Commissioner,
Transport Department,
Govt. of Tamil Nadu,
Chennai.

2.The Transport Assistant Commissioner,
Transport Department,
Govt. of Tamil Nadu,
Chennai.

3.The District Collector,
Coimbatore District,
Coimbatore.

4.The Transport Zonal Officer,
Mettupalayam Transport Zonal Office,
Mettupalayam.

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus or any other writ or order or direction directing the fourth respondent to take necessary actions against the petitioner's representation dated 26.12.2019 as per the proceedings of the second respondent in Na.Ka.No.1762/A3/2-19 dated 27.12.2019.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.R.Vijayakumar, AGP
for R1 to R4

ORDER

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

This public interest litigation has been filed by the petitioner as the time given to the Transport Corporation buses to commute between Coimbatore to Mettupalayam and vice versa and the fixing of duration at one hour to run is resulting in accident.

2. In the counter affidavit filed by the fourth respondent, the following statement has been made:-

"As per the instructions of the 2nd respondent given in R.No.1762/A3/2019 dated 27.12.2019 the Motor Vehicles inspector Grade I Mettupalayam was instructed to conduct vehicle check and give her report. The Motor Vehicle Inspector, Mettupalayam in her report has stated that checking of stage carriage was done. Air horns and audio devices are being removed during checks. The Motor Vehicles Inspector has stated as road repair works, road widening works and construction of over bridge works are going on Mettupalayam-Coimbatore road the buses could not be operated as per time schedule. Once above said repair works are over, such compliants would not come up.

It is submitted that timings fixed 40 years ago in respect of buses plying on the route Mettupalayam to Coimbatore and vice versa cannot be refixed in respect of all sector operators ie private and Government buses cannot be done in toto since there is no provision in Motor Vehicle rules based on mere one representation of the third party. If refixation of timings to be done a conference under Tamilnadu Motor Vehicles Rules 248 to be conducted calling to connected sector operators concerned for hearing. Without conducting Timing Conference of sector operators under Rule 248 of TNMV Rules 1989 timings could not be re fixed.

(i) & (ii) Action has been taken on this point. So the averment is not correct.

(iii) The Motor Vehicle Inspectors are conducting frequent checking of vehicles and taking action rash driving of Government and private buses if such offences are found.

(iv) & (v) The contention of the petitioner is correct but there is no provision to re fix timings in respect of all stage carriages for which timings fixed already plying between Mettupalayam to Coimbatore and vice versa in toto just on a mere petition of the petitioner as per Rule 248 of TNMV Rules 1989. Once over bridge works in Coimbatore City, road widening works, laying of double road works on Mettupalayam to Coimbatore road are over there will be no need for refixation of timings of the existing stage carriages running between Mettupalayam and Coimbatore and vice versa. There will be no need for the fixation of timings of the Stage carriages running Mettupalayam to Coimbatore to vice versa."

3. From the same, it could be seen that the fourth respondent has also accepted the grievance sought to be exposed by the petitioner. However, it has been stated that the problem is caused due to the repairing and widening of road apart from the construction of the over bridge. Resultantly, the buses could not be operated as per the time scheduled. Once these problems are addressed, there would not be any complaint.

4. It has also been stated that there is no provision to re-fix the timing except by invoking Rule 248 of Tamil Nadu Motor Vehicles Rules, 1989 by convening a Conference of all the sector operators.

5. Having admitted the problem, it is for the fourth respondent to find out a solution. It appears that the ongoing work would take some more time. The public interest cannot suffer in the meanwhile including the strong possibility of accidents.

6. In such view of the matter, we direct the respondents to take appropriate steps under Rule 248 of the Tamil Nadu Motor Vehicles Rules, 1989 by convening the timing conference of the sector operators based upon the said decision to be taken pursuant to the meeting scheduled to be held as directed above. The question of extending the time limit shall also be considered.

7. After all, this could only be an interim arrangement till the requisite measures are brought forth. The convening of the timing conference of the sector operators and enhancing the timing for plying between Coimbatore and Mettupalayam and vice versa for the buses belonging to the fourth respondent will have to be done within a period of eight weeks from the date of receipt of a copy of this order.

Writ Petition stands disposed of accordingly. No costs.

Sd/--
Asst.Registrar (CS-III)

/true copy/

Sub Asst. Registrar

ssm

To

- 1.The Transport Commissioner,
Transport Department,
Govt. of Tamil Nadu,
Chennai.
- 2.The Transport Assistant Commissioner,
Transport Department,
Govt. of Tamil Nadu,
Chennai.
- 3.The District Collector,
Coimbatore District,
Coimbatore.
- 4.The Transport Zonal Officer,
Mettupalayam Transport Zonal Office,
Mettupalayam.

+1 CC to M/s.M,.Guruprasad, Advocate, SC 20964

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