



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P(MD)No.3731 of 2020

and

W.M.P(MD)Nos.3171 to 3173 of 2020

State Lorry Owners Federation
Tamil Nadu,
Having Registration No.60/1987,
Having been represented by its
Vice President C.Sathaiah,
Madurai - 625 001

... Petitioner

Vs.

1.The Government of India,
Rep. by its Director,
Ministry of Road Transport & Highways Department,
Transport Bhawan, No.1, Parliament Street,
New Delhi - 110 001.

2.The Government of Tamil Nadu,
Rep. by its Secretary to Home Department,
Secretariat,
Fort St. George,
Chennai.

3.The Principal Secretary / Transport Commissioner,
Transport Department, Chepauk,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned circular issued by the third respondent vide Circular No.59/2019 dated 18.12.2019 and alike Circulars, which is/are against the Guidelines of the first respondent (MORTH) dated 16.06.2016 and the same has to struck down and set aside as illegal ultravires and also arbitrary in nature and consequently directing the respondent department to check the maximum speed of the lorries manufactured prior to 01.10.2015 before insisting for SLD installations and in respect of other lorries manufactured after 01.10.2015 by accepting the installation



certificate already issued by the manufacturer of SLD's as accepted by the respondent department for issuing fitness certificate in the previous years.

For Petitioner : Mr.VS.Karthi

For R - 1 : Mr.M.Karthikeyavenkata Chalapathi

For R - 2 & 3 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

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

The State Lorry Owners Federation has filed the above Writ Petition as a Public Interest Litigation seeking for issuance of Writ of Certiorarified Mandamus, to quash the Circular dated 18.12.2019.

2.Admittedly, the members of the petitioner / Association are the persons aggrieved over the said Circular. If that being the case, when the petitioner / Association is the aggrieved party, they cannot file the Writ Petition as a Public Interest Litigation to quash the Circular dated 18.12.2019.

3.In such view of the matter, the Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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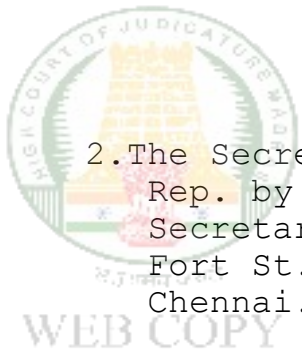
/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The Director,
Rep. by the Government of India,
Ministry of Road Transport & Highways Department,
Transport Bhawan, No.1, Parliament Street,
New Delhi - 110 001.



2.The Secretary to Home Department,
Rep. by the Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai.

3.The Principal Secretary / Transport Commissioner,
Transport Department, Chepauk,
Chennai - 600 005.

+1 CC to M/s.M.KARTHIKEYA VENKATACHALAPATHY, Advocate (SR-8120[F]
dated 25/02/2020)

+1 CC to M/s.SPL.GP (SR-8375[F] dated 26/02/2020)

W.P (MD) No. 3731 of 2020
25.02.2020

JMN(05.03.2020) 3P : 6C