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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 17376 of 2017

S.M.Govindasamy,
Secretary,
People Health and Development Council,
No.22, East Street,
Sottayampalayam,
R.N.Puthur (post),
Erode - 638 005.

... Petitioner

-Vs-

1. The District Collector,
Perunthurai Road,
Erode - 638 011.
2. The Regional Transport Officer,
Erode East,
Kollukattu Medu, Lakkapuram Post,
Erode - 638 002.
3. The Regional Transport Officer,
Erode West, Periyasemur,
Erode - 638 004.
4. V.Kousalya
5. A.Narayanan
6. S.Nithin

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to take appropriate action on the petitioner's representation dated 23.10.2016 and to take action against the fifth respondent - errant motor vehicle operator herein under the Motor Vehicles Act, 1988.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.L.Ranganayaki
Addl. Govt. Pleader for R1 to R3
Mr.A.N.R.Jayapratap for R4 to R6



ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action on the petitioner's representation dated 23.10.2016 and to take action against the fifth respondent - errant motor vehicle operator herein under the Motor Vehicles Act, 1988.

2. The petitioner is an Non-governmental Organization in the name and style of 'People Health and Development Council' and it has been working for the furtherance of its objectives since its inception in 1996. They already filed some writ proceedings before this court for these kind of issues touching the general public in the locality concerned.

3. In this regard, the petitioner has given a representation on 23.10.2016 to the respondents, especially the Regional Transport Officer for taking action against the private respondents 4 to 6, who are the Mini Bus Operators, in whose favour, the Regional Transport Officer or the Transport Authorities concerned had already given Mini Bus permit in a particular route. However, when they are plying the buses, they are not following the particular route for the alleged reasons that, one stretch of the route has become one way and even after alternative route having been given by the Transport Authorities or the District Collector concerned, they allegedly in violation of the said route given by the Transport Authorities are plying their services, thereby, lot of people in whose area, there has been no bus service are continuously affected. Therefore, in this context, the said representation dated 23.10.2016 had been given by the petitioner, which according to the petitioner, since have not been considered and no action has been taken by the respondents. The petitioner has moved this Writ Petition with the aforesaid prayer.

4. Heard Mr.P.G.Thiyagu, learned counsel appearing for the petitioner who having reiterated the aforesaid facts would seek indulgence of this Court to issue a direction.

5. Heard Mr.AN.R.Jayapratap, learned counsel appearing for the private respondents, i.e., R4 to R6 who would submit that, the petitioner is a busy body and for the reason best known to them, he has given representation after representation against so many bus operators and therefore, the present representation and the allegation contained therein is not correct and these private operators who have been given permit to ply the Mini Buses in a particular route as provided in the permit has been scrupulously following the said route and had been continuously running the same. Therefore, the said allegation is wrong and accordingly, the prayer sought for by the petitioner to issue a direction to consider the said representation containing such allegations



need not be considered and therefore, on that ground, he seeks for dismissal of this Writ Petition.

6. On the other hand, Mrs.L.Ranganayaki, learned Additional Government Pleader appearing for the official respondents has relied upon the following averments made in the counter affidavit:

"10. It is respectfully submitted that the averment of the petitioner in para 12 of the affidavit is not acceptable because third respondent has already taken action against the respondents 4 and 6 and intimated the fact to the petitioner. While that process is going on for passing final orders against the respondents 4 and 6, the petitioner has filed another representation on the same allegation which has no relevancy to the present writ petition since action was taken against the respondents 4 and 6 as mentioned below for not having plied there vehicles on the permitted route.

S.No	Vehicle No.	Respondent	Date of Check	Punishment imposed	Date of Punishment
1.	TN33AR2121	6	21.07.2016	PUNISHMENT IMPOSED	07.02.2017
2.	TN33AR2121	6	060916	PUNISHMENT IMPOSED	07.02.2017
3.	TN33AR2121	6	22.09.2016	UNDER PROCESS	-----
4.	TN33AR2121	6	17.12.2016	UNDER PROCESS	-----
5.	TN33AV2121	4	17.12.2015	UNDER PROCESS	-----
6.	TN33AV2121	4	07.09.2016	PUNISHMENT IMPOSED	07.02.2017
7.	TN33AV2121	4	26.08.2016	UNDER PROCESS	-----

Thus it is respectfully submitted that the third respondent did not take any action against the respondents 4, 5 and 6 as stated by the petitioner is contrary to law."

7. Relying upon the said averments, the learned Additional Government Pleader would further contend that, pursuant to the said representation given by the petitioner earlier, action has already been initiated, where surprise check up had been undertaken by the Transport Authorities of the District concerned and accordingly, in respect of some of



the operators, punishment were imposed and in respect of some of them, initiation was under process and that was the position prevailing in the year 2017 when this counter affidavit has been filed.

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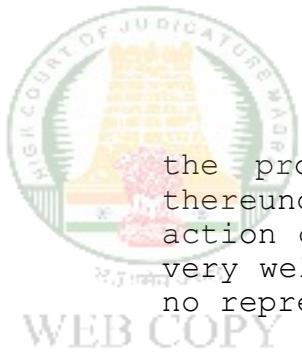
8. The learned Additional Government Pleader would further submit that, stopping not with the said particular incident or particular complaint since the subsequent representation now has been filed by the petitioner, based on which, the present Writ Petition is filed, which is not connected with the earlier actions taken. Therefore, the learned Additional Government Pleader on instructions would submit that, whenever such kind of complaint comes not only from the petitioner but from any public that the Stage Carriage Operators or Mini Bus Operators are violating the permit conditions or route etc., that would be immediately checked up and based on which, actions would be initiated against the permit holders. Therefore, in this regard, the representation of the petitioner also can very well be considered and accordingly, action would be taken then and there.

9. Moreover, since the representation is of the year 2016, since long years have gone and much water has been flown under the bridge, the learned Additional Government Pleader would contend that, presently the specific representation of the petitioner dated 23.10.2016 need not be given much credence and in this regard, generally whatever complaints or representation come from anyone including the petitioner, that would be immediately attended to by the authorities concerned of the Motor Vehicles Department in case of any alleged violation of the permit holders. Therefore the learned Additional Government Pleader would seek indulgence of this Court to reject this Writ Petition at present.

10. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

11. As has been rightly pointed out by the learned Additional Government Pleader appearing for the official respondents, it is not only on the basis of the mere representation of the petitioner dated 23.10.2016, the official respondents are duty bound to take action on the basis of any such complaint or representation made by any section of the people, that the bus operators or permit holders of Mini Bus Operators are violating the permit conditions or the route specified in the permit concerned.

12. In this regard, even without a complaint or representation, a regular vigilance checkup can be mounted up by the respondents Regional Transport Officer authorities and in that case, if anything found in violation of the permit conditions from any operator, action can be initiated under



the provisions of the Motor Vehicles Act and Rules made thereunder and it goes without saying, that kind of continuous action on the part of the respondents Transport Department can very well be taken and it can be continued forever, for which, no representation specifically is required from anyone.

13. Here in this case, since the specific representation has been given by the petitioner on 23.10.2016 on receipt of the copy of the same which the petitioner can once again forwarded to the respondents especially the second respondent / Regional Transport Officer, the second respondent can take suitable action thereon in accordance with law.

14. In this regard, if the petitioner feels that, the grievance espoused in the said representation dated 23.10.2016 is not relevant as of now, as no such violation noticed now, then, it is open to the petitioner to make such communication to that effect to the second respondent Regional Transport Officer and accordingly, the issue can be given a quietus.

15. With these directions and observations, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

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To

1. The District Collector,
Perunthurai Road,
Erode - 638 011.
2. The Regional Transport Officer,
Erode East,
Kollukattu Medu, Lakkapuram Post,
Erode - 638 002.
3. The Regional Transport Officer,
Erode West, Periyasemur,
Erode - 638 004.

+3ccs to Mr.A.N.R.Jayapratap, Advocate SR. No.58843
+1cc to Government Pleader SR. No.59488

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