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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.31252 of 2012

and

M.P.No.2 of 2012

Ooty Tourist Car Sumo Maxi Cabs Drivers

Welfare Association,
Represented by its President,
S.Govardan,
No.8, Dr.Ambedkar Street,
Kaandal, Udaganamdalam,
Nilgiris District.

... Petitioner

Vs

1. The Chief Secretary/Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai.

2. The District Collector,
Udagamandalam,
Nilgiris District.

3. The Regional Transport Officer,
Coonor Road,
Udagamandalam,
Nilgiris District.

4. The Auto Drivers Association-cum-Owners
Welfare Association,
Udagamandalam,
Nilgiris District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No.9620/M3/2011 dated 09.07.2012 and quash the same.

For Petitioner

:

Mr.K.R.Samratt

for Ms.V.Meenakshisundaram



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For Respondents :
For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader
For R4 : Mr.K.Hariharan

ORDER

Heard both sides. I have perused the affidavit filed in support of the present writ petition. There is no merits in the present writ petition. There is no perversity in the impugned order.

2. It is the case of the petitioner that the Auto Drivers are violating the impugned order of the first respondent. The grievance of the petitioner appears to be that the Auto Drivers are using the impugned order dated 09.07.2012, to travel beyond 15 Kilometers and therefore the impugned order should be quashed.

3. Opposing the prayer in this writ petition, the learned Special Government Pleader for the first to third respondents would submit that the basis for challenging the impugned order of the first respondent is not clearly coming out of the Affidavit filed in support of the present writ petition.

4. It is submitted that the petitioner has also not pointed out any perversity in the impugned order by the respondents while passing the impugned order. The petitioner appears to be a Welfare Association for the Tourist Car Sumo Maxi Cabs in Nilgiris District. The grievance perhaps appears to be that Autos are intruding into their business. The petitioner thus appears to have challenged the impugned order of the first respondent dated 09.07.2012, to take away the rights of the Auto Drivers.

5. In case, the Auto Drivers are found violating permits, authorities under the Motor Vehicles Act, 1988 are empowered to take suitable action against them. Under these circumstances, I am inclined to dismiss this writ petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

arb



To

1. The Chief Secretary/Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai.
2. The District Collector,
Udagamandalam,
Nilgiris District.
3. The Regional Transport Officer,
Coonor Road,
Udagamandalam,
Nilgiris District.
4. The Auto Drivers Association-cum-Owners
Welfare Association,
Udagamandalam,
Nilgiris District.

+1cc to Mr.H.Rajasekar, Advocate, S.R.No.34675

+1cc to the Government Pleader, S.R.No.35537 (07/07/2022)

W.P.No.31252 of 2012
and
M.P.No.2 of 2012

GPL (CO)
UMA (01/07/2022)