



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.3.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7504 of 2022

Sujith Prabhu Durai

.. Petitioner

Vs.

1. The Secretary,
Ministry of Road Transport and Highways,
Government of India,
Transport Bhavan,
No.1, Parliament Street,
New Delhi-1.
2. The Secretary,
Ministry of Transport,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai-600 001.
3. The Commissioner,
Transport Commissionerate and
State Transport Authority,
Ezhilagam,
Rajaji Salai, Chepauk, Chennai-600 005.
4. Director General (Roads Development)-cum-
Special Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi-1.
5. The Director,
The Automotive Research Association of India,
Survey No.102, Vetar Hill, Off Paud Road,
Kothrud, Pune-411 038.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 14.12.2021 and implement the 4th respondent notification in the Gazette of India Ref.No.768, dated 02.11.2016



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notification reference GSR 1034(E) in pursuance of the Motor Vehicles (Amendment) Bill, 2016, within the time frame fixed by this Court.

For petitioner : Mr.K.Seetharaman

For Respondents: Mr.R.Rajesh Vivekananthan,
Assistant Solicitor General of India
for R1 and 4

Mr.P.Muthukumar,
State Government Pleader
for R2 & R3

ORDER

(Order of the Court was made by The Honourable Chief Justice)

We have heard the learned counsel appearing for the respective parties.

2. Time and again, this Court finds that writ of public interest litigation has been misused. It is either by filing a petition having no public interest or having personal interest or by making allegations without giving any details to substantiate the allegations therein. Many writ petitions are filed for the sake of it or for making a fishing enquiry.

3. The case on hand falls under the same category because the writ petition has been filed alleging non compliance of the Notification issued on 02.11.2016 by the Ministry of Road Transport and Highways by making a reference to Sub-Rule (3) of Rule 125C of the Central Motor Vehicles Rules, 1989, wherein the said Rule was amended.

4. The learned counsel for the petitioner was asked to substantiate the allegation, for which, a prayer was made to grant two weeks time to produce the material, meaning thereby that the writ petition has been filed without having any material to prove the allegation made in the writ petition.

5. In the light of the above, we find that the writ petition in the hands of a person involved in transport business is either for the sake of it or for making a fishing enquiry. When the petitioner was not having material to prove the allegation of violation of the Notification, there was no reason to maintain the writ petition.

6. Accordingly, the writ petition is dismissed with cost of Rs.25,000/- (Rupees twenty five thousand only) to be paid to the Tamil Nadu State Legal Services Authority, Chennai within 15



days from today and the compliance shall be reported to the Registrar Judicial. If the compliance is not made within the time stipulated, the writ petition shall be posted before this Court for passing appropriate orders for compliance.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

RS

To

1. The Secretary,
Ministry of Road Transport and Highways,
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New Delhi-1.
2. The Secretary,
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The Automotive Research Association of India,
Survey No.102, Vetar Hill, Off Paud Road,
Kothrud, Pune-411 038.
6. The Tamil Nadu State
Legal Services Authority,
Chennai.



Copy To:

The Registrar Judicial
High Court,
Madras.

+1cc to M/s.R.Rajesh Vivekananthan, Advocate, S.R.No.21864
+1cc to M/s.K.Seetharam, Advocate, S.R.No.21901
+1cc to the Special Government Pleader, S.R.No.21823

W.P.No.7504 of 2022

RP (CO)
SB (07/04/2022)