



WEB COPY



W.P(MD) No.2435 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	Pronounced on
30.11.2022	19.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.2435 of 2018 &
W.M.P.(MD)Nos.2630 of 2018 & 23344 of 2019**

K.K.Ramesh

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by its Chief Secretary,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The State of Tamil Nadu,
Rep. by its Home Secretary,
Fort St. George, Secretariat,
Chennai - 600 009.

3.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Fort St. George, Secretariat,
Chennai - 600 009.

4.The Director General of Police,
Chennai.
Tamil Nadu.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to appoint a Commission headed by the Retired Hon'ble Court Judge in order to enquire the heavy loss



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of Rs.20,488 Crores to the Tamil Nadu State Transport Corporation in Tamil Nadu, by considering the representation dated 22.01.2018.

For Petitioner : Mr.K.K.Ramesh
Party-in-Person

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3

Mr.T.Senthil Kumar
Additional Public Prosecutor for R4

ORDER

R.MAHADEVAN, J.

A report in the leading newspapers and in the television channels, stating that *"the Tamil Nadu Transport Corporations accumulated loss to the tune of Rs.20,488 Crores for the past several years"*, mooted the petitioner to approach this Court by filing this writ petition as a public interest litigation, with a prayer for issuance of a Writ of Mandamus, directing the first respondent to appoint a Commission headed by a Retired Hon'ble Judge of this Court to probe into the issue, by considering his representation dated 22.01.2018.



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2. According to the petitioner/party-in-person, there are 22,509 buses running and 1,40,000 workers are working in the Tamil Nadu Transport Corporations; and every day 2.02 crores people are travelling. However, due to poor maintenance and mismanagement, such a huge loss has occurred to the Tamil Nadu Transport Corporation, consequent to which, innocent public would be put to much inconvenience, by experiencing heavy rise in ticket fare. The petitioner further stated that there is a lot of malpractice and irregularities, while purchasing spare parts and other machineries due to the intervention of the political leaders, resulting in huge loss. However, the Government has not taken any step either to retrieve the revenue loss or to conduct enquiry by appointing a competent authority in this regard. Highlighting the same, the petitioner sent a representation dated 22.01.2018 to the respondents to take immediate action by constituting a Commission headed by a retired Judge of this Court and conduct enquiry *qua* the subject matter in issue. Finding no response on the same, the petitioner is before this court with the present writ petition.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that there has been no increase in fare for the recent years and the Tamil Nadu State Transport Corporation is collecting low fare, in comparison with the other States. Even otherwise, the



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increase in ticket fares is only due to rise of the operating and maintenance cost. It is further submitted that the State Transport Corporation is now, taking earnest step to overcome the losses and smoothing functioning of the administration. It is also pointed out by the learned counsel that the issue involved herein is no longer *res integra*, as the First Bench of this Court, by order dated 24.01.2018 in W.P.No.1392 of 2018 & others, [V.Munikrishnan Vs. The State of Tamil Nadu] has held that "*there can be no doubt that any hike in prices including hike in bus fares, affects the people in general, however, price fixation and/or fare fixation is a matter of policy with which the High Court cannot interfere*". Thus, according to the learned counsel, the Writ Petition filed by the petitioner will have to be dismissed as not maintainable.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, wherein the petitioner has not produced any other material other than the newspaper articles in support of his claim, this court without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 22.01.2018 and deal with the same on merits and in accordance with law within a period of eight weeks, from the date of receipt of a copy of this order.



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6. With the above direction, the writ petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
19.12.2022

Speaking Order.

Index : Yes.

Internet : Yes.

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To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Home Secretary,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.
- 3.The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 4.The Director General of Police,
Chennai,
Tamil Nadu.



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Pre Delivery order in
W.P.(MD) No.2435 of 2018 &
W.M.P.(MD)Nos.2630 of 2018
& 23344 of 2019

19.12.2022