



W.P(MD)No.8144 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8144 of 2015

and

M.P(MD)Nos.2 & 3 of 2015

Christopher Bus Stand
Auto Ottunar Munnetta Sangam,
Registration No.427/KKM,
Represented by its
Vice President,
Vadaseri,
Nagercoil – 1,
Kanyakumari District.

... Petitioner

Vs

- 1.The State represented by
The Principal Secretary,
Home (Transport III) Department,
Fort St.George,
Chennai – 9.
- 2.The Transport Commissioner,
Department of Transport,
Ezhilagam,
Chepauk,
Chennai – 5.



W.P(MD)No.8144 of 2015

3.The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

4.The District Collector,
Kanyakumari District,
Nagercoil.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the second impugned order passed by the third respondent vide in Na.Ka.No. 19722/A1/2014 dated 23/3/15 in pursuance of the impugned Government Order made in G.O.Ms.No.772, Home (Transport-III) Department dated 16.10.2014 passed by the first respondent and quash the same as illegal and devoid of merits and consequently direct the first respondent to notify the District Collector of Kanyakumari District as Regional Transport Authority under section 67(1) of the Motor Vehicle Act, 1988 and to appoint a committee of experts to submit as study report and to suggest a scientific, fair and reasonable methodology for fixation of Auto fare for Kanyakumari District and to fix the Auto fare for Kanyakumari District separately based on the local prevailing conditions and by taken into account all the relevant factors and after hearing all the parties concerned including the Auto Drivers union in terms of the Methodology given by the committee, with an inbuilt mechanism and method for revision of fare automatically based on the raise in the price of fuel, spare parts, operation and maintenance, raise in the insurance policy and taxes, raise in cost of living index etc., and also revise the fare periodically once in two years following the above said procedure and methodology.

For Petitioner : Mr.S.Palani Velayutham



W.P(MD)No.8144 of 2015

For Respondents : Mr.N.GA.Natraj
Government Advocate

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ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned Government Order (GO) whereby the Government had laid down the parameters regarding the fare fixation for auto rickshaws. This writ petition was filed in the year 2015. We are now in 2023. So many changes have taken place in the meanwhile. The fuel rate has also gone up. Several private players have also entered in the field. In these circumstances, if the petitioner is still aggrieved they may file a fresh writ petition.

3. Granting such liberty to the petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



W.P(MD)No.8144 of 2015

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G.R.SWAMINATHAN, J.

MGA

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