



WEB COPY



W.P.No.22879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.22879 of 2023

David Bharath Kumar

... Petitioner

Vs.

1.The Secretary to Government.
Home Department,
Tamil Nadu State Government,
Fort St. George Chennai 600 009

2.The Director General Of Police
Tamil Nadu State Police
O/o The Director General Of Police
No 601 Dr. Radha Krishnan Salai No 1,
Kamaraja Salai, Mylapore, Chennai 600 004

3.The Commissioner Of Police
O/o The Commissioner Of Police,
No 132 Evk Sampath Road,
Vepery, Chennai 600 007

4.The Chief Traffic Warden
Tamil Nadu Police Traffic Warden Organisation,
O/o The Additional Commissioner Of Police
Vepery Chennai 600 007

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the respondents 1 to



W.P.No.22879 of 2023

3 to evolve a bye law in consonance with or simply adopt the model bye law under the Societies Registration Act and consider the Representation dated 11.05.2023.

For Petitioner : Mr.David Bharath Kumar,
Party in person

For Respondents : Mr.P.Kumaresan, AAG, assisted by
Mr.N.Naveen Kumar, Govt. Advocate
[R.1]
: Mr.S.Vinoth Kumar, Govt. Advocate,
(Crl. Side) for [R.2 and R.3]
: Mr.A.V.Arun for Mr.K.Shyam Sunder
[R.4]

ORDER

The writ of Mandamus has been instituted to direct the respondents 1 to 3 to evolve a bye law in consonance with or simply adopt the model bye law under the Societies Registration Act and consider the representation dated 11.05.2023.

2. The petitioner was a member of Tamil Nadu Police Traffic Warden Organisation. He underwent training sessions and was performing



W.P.No.22879 of 2023

his duties. Subsequently, he was removed from the Organisation on certain grounds. The petitioner filed the writ petition mainly on the ground that the name of the Organisation has been abused by few individuals and the members of the Organisation act like a police personnel which is impermissible. Common people are getting confused on account of their identity and therefore, such ambiguities are to be removed by suitably amending the bye laws of of the Organisation or by issuing suitable Government orders by the Government of Tamil Nadu.

3. The Tamil Nadu Police Traffic Warden Organisation has been formed by the Govt. of Tamil Nadu, vide G,O,Ms.No.2268, Home, dated 10.08.1977. The Organisation was constituted to assist the Traffic Police to regulate the traffic due to dearth of Traffic Policemen in many areas across the State. The organisation has been formed and more so the Organisation is conducting classes at free of cost to educate the children and citizen about the road safety, traffic awareness etc. Thus, the organisation has been constituted by the Government with a noble cause, and it is functioning for the past several years.



W.P.No.22879 of 2023

WEB COPY

4. The Police Department is monitoring the activities of the members of the organization. They are bound to report before the competent authorities. The duties are allotted by the respective authorities designated by the Director General of Police and the respective Commissioner of Police.

5. The petitioner Mr.David Bharath Kumar, in person, would submit that usage of term “Police” is mostly abused by the members of the organisation. They are acting like policemen and on some occasions they are attempting to exercise statutory powers conferred on the police which will result in an anomalous situation.

6. The learned counsel for the 4th respondent Organisation would oppose the contention by stating that the organisation has been constituted by the Government and the members are not paid any salary for performing their duties. It is only a part-time duty provided at the choice of the citizen and the engagement of personnels are regulated. They are deputed to assist the police personnel in traffic locations and therefore, they have not violated any regulations as framed by the Government and they are



W.P.No.22879 of 2023

following the instructions issued by the Director General of Police and the respective Commissioners of Police.

7. Mr.S.Vinoth Kumar, the learned Govt. Advocate (Criminal side) would submit that the services of the organisation are restrictive service wherever required. During traffic congestions, the services of the members of the organisation are utilized by the Police Department and they are not allowed to perform the duties of the uniformed personnel in Police Department. They are deputed to assist the Police personnel during peak hours, generally and during emergency situations. Therefore, such services are essential for effective co-ordination between the Traffic Police and the road users.

8. Such organisations are constituted to provide better services to the public in general and therefore, the constitution of such organisation, in fact would be beneficial for the public in general. It may not be possible for the Police Department to depute large number of Policemen and therefore, the services of such voluntary organisation are provided in order to assist the Police Department. It is made clear that the members of the 4th respondent Organisation, at no circumstances, can perform the statutory



W.P.No.22879 of 2023

duties of a Policemen under various enactments. They are allowed to assist the Policemen for the purpose of regulating the traffic and to educate the children in schools and in general, to create awareness amongst the road users regarding traffic regulations including road safety.

9. In view of the fact that the services of the 4th respondent Organisation is voluntary in nature and their activities are closely monitored by the Director General of Police and the Commissioner of Police respectively, and the services of the organisations are necessary considering the traffic congestion and huge volume of traffic on the roads. This Court is of the considered opinion that the petitioner may submit his complaint or explanation, if any incidents of violations are noticed, to the Commissioner of Police or the Director General of Police, as the case may be. In other words, in the event of misbehaviour, abuse and misuse of position as a member of the Tamil Nadu Police Traffic Warden Organisation, such complaints may be forwarded to the competent authority for initiation of further actions.



W.P.No.22879 of 2023

10. Contrarily, the petitioner cannot seek the prayer to amend the bye law or to remove the uniform since without uniform these members of Organisation cannot perform their duties on the road. Further, the uniform prescribed for the members of the Organisation is not akin to that of the uniform provided to the uniformed personnel in Police Department. Thus, the petitioner has not made out any acceptable ground for the purpose of granting the relief.

11. Accordingly, the Writ petition stands dismissed. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

26.04.2024



W.P.No.22879 of 2023

To
WEB COPY

- 1.The Secretary to Government.
Home Department,
Tamil Nadu State Government,
Fort St. George Chennai 600 009
- 2.The Director General Of Police
Tamil Nadu State Police
O/o The Director General Of Police
No 601 Dr. Radha Krishnan Salai No 1,
Kamaraja Salai, Mylapore, Chennai 600 004
- 3.The Commissioner Of Police
O/o The Commissioner Of Police,
No 132 Evk Sampath Road,
Vepery, Chennai 600 007
- 4.The Chief Traffic Warden
Tamil Nadu Police Traffic Warden Organisation,
O/o The Additional Commissioner Of Police
Vepery Chennai 600 007.
Vepery Chennai 600 007



WEB COPY



W.P.No.22879 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.22879 of 2023

26.04.2024