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W.P.No.27284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.27284 of 2024

Cuddalore Maanagara Share Auto Ottunar
Matrum Urimaiyalargal Nalasangam,
Represented By Its Vice President
J.Aasai Thambi

... Petitioner

-Vs-

1. The Regional Transport Authority,
Cuddalore.
2. The Regional Transport Officer,
Cuddalore District, Cuddalore.
3. The Superintendent Of Police,
Cuddalore District, Cuddalore.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 2 herein to forthwith take action on our representations and forbear the respondent from allowing the Ape Autos to be operated as Share Auto / Stage Carriage and to take severe action on the Ape Autos operating in violation of permit conditions and also from parking their vehicle in unauthorized place for picking up passengers viz., bus stand.



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For Petitioner : M/s Bhargavi Gopalan
For R1 and R2 : Mr.C.Kathiravan
Special Government Pleader
For R3 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This writ petition has been filed for direction directing the respondents 1 to 2 herein to forthwith take action on our representations and forbear the respondent from allowing the Ape Autos to be operated as Share Auto / Stage Carriage and to take severe action on the Ape Autos operating in violation of permit conditions and also from parking their vehicle in unauthorized place for picking up passengers viz., bus stand.

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

3. The petitioner is an Association consisting of Auto owners as members. They submitted a representation thereby bringing it to the notice of the respondents that the Ape auto operators, who are more than 400 in numbers are running their autos as a stage carriage stopping their autos in every stage and setting down and picking up passengers like a stage carriage and are also issuing individual tickets. They were issued contract carriage permits and as such, they have to ply their autos only point to point and they cannot pick up or



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set down passengers on the line of the route. However, they are operating their vehicles as stage carriage in violation of their permit conditions stopping at every stage, picking up and setting down passengers and also by issuing individual tickets.

4. In the similar circumstances the Hon'ble Division Bench of Madurai Bench of this Court held that if the Ape Autos are operated against the permit conditions, then severe action has to be against them and observed that it cannot be one-time measure and directed the authorities to ensure compliance on the statutory provisions.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the writ petition has been filed by the Association and it is not maintainable. Whenever any individual complaint is lodged as against the individual Ape Auto, it will be considered on merits and in accordance with law.

6. In view of the above, the respondents are directed to take action on the representation submitted by the petitioner against the Ape Autos operating in



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violation of permit conditions. The respondents are directed to ensure the compliance of the statutory provisions in this regard.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

12.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

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Cuddalore.
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Cuddalore District, Cuddalore.
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G.K.ILANTHIRAIYAN. J.

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