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CrI.O.P.No.26645 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.26645 of 2024

Benjamin J

... Petitioner

Vs.

1.The Commissioner of Police
Greater Chennai City
Vepery Chennai

2.The Deputy Commissioner of Police
Traffic Investigation Wing
St. Thomas Mount
Chennai

3.The Assistant Commissioner of Police
Meenambakkam Range,
St. Thomas Mount
Chennai.

4.The Inspector of Police
S-2 Airport Police Station
Chennai

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./ 528 BNSS, pleaded to direct the 4th respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.S.Sheik Ismail

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER



Crl.O.P.No.26645 of 2024

The petitioner herein, who is a cab driver affiliated to the union called Labour Progressive Front (LPF), has filed this Criminal Original Petition alleging that his right of profession to ply taxi from the Airport premises been threatened with the dire consequence from the 4th respondent police. Alleging his complaint forwarded to the higher officials, not properly acted upon, the present petition is filed to direct the 4th respondent not to harass the petitioner.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that without permission, the petitioner and few others are parking their cab inside the Airport premises and been freezing the passengers arriving at Chennai Airport. Hence the complaint from the Airport Authority was registered and enquired. The petitioner who is not authorized to park the cab in the Airport premises solicit the passengers by engaging touts and causing nuisance. The complaint of the petitioner forwarded to the higher officials was enquired and found that the allegations made by the petitioner against the 4th respondent is false and frivolous complaint.

3. The communication of the Director of the Airport Authority



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to the Commissioner of Police *vide* letter dated 04.10.2024 reveals that some of the cab drivers without authority engaging touts to canvas arriving passengers and freezing them and disturbing the lawful business of the 304 Paid-Taxi driver authorized and permitted by the Airport Authority.

4. Apparently based on the complaint of the Director of Airport Authority, the police has enquired and had found that this petitioner and few others are running taxi service in the Airport premises contrary to the provision to the Airport Authority of India Act and the complaint is specifically against this petitioner and other local taxi owners, who are causing nuisance to the Arrival passengers who go for boarding in Ola/Uber cabs, which is authorized to carry on business in the Airport premises.

5. The learned counsel appearing for the petitioner submits that a writ petition filed by this petitioner is pending in the High Court seeking direction to carry on their business in the Airport premises.

6. As long as there is a regulation for carrying taxi business in the Airport area, the petitioner without obtaining license or permission



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from the Airport Authority cannot seek protection for his trade. The 4th respondent is competent to prevent the petitioner from entering the Airport premises for transporting passengers from Airport. For causing nuisance to the licensed Ola/Uber cab drivers, the petitioner cannot claim protection from the Court. Therefore, this Court finds no merit in this petition hence Criminal Original Petition is dismissed.

25.10.2024

Neutral Citation : Yes/No
rpl

To

1.The Commissioner of Police
Greater Chennai City
Vepery Chennai

2.The Deputy Commissioner of Police
Traffic Investigation Wing
St. Thomas Mount
Chennai

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5. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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