



W.P(MD)No.5059 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5059 of 2024

and

W.M.P.(MD)No.4860 of 2024

M.Manikandan

... Petitioner

Vs.

1.The Divisional Railway Manager,
Southern Railway,
Trichy Division,
Trichy Railway Station,
Trichy.

2.The Senior Divisional Commercial Manager,
Commercial Department,
Southern Railway,
Trichy Division,
Trichy Railway Station,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from issuing any more Auto / Car / Cart license to the new applicants to enter the Trichy Railway Station by considering the petitioner's representations dated 03.02.2024 and 19.02.2024.

For Petitioner : Mr.T.Leninkumar



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W.P(MD)No.5059 of 2024

For Respondents : Mr.K.Govindarajan
DSGI

ORDER

Heard the learned counsel for the petitioner and the learned DSGI for the respondents.

2. The petitioner is an office bearer of an Auto Rickshaw Driver Association. The members of the petitioner association depend upon the passengers alighting in Trichirappalli Railway Junction. The case of the petitioner is that already 150 licenses have already been issued and only those license holders are entitled to use the railway bay. The petitioner's allegation is that the respondents are proposing to issue more licenses. The petitioner would state that if more licenses are issued, the position will become unviable. He therefore wants this Court to forbear the respondents from issuing any more licenses to the new applicants to enter the bay of Trichy Railway Junction parking bay. Representations had already been given. Since they did not elicit any response, the present writ petition came to be filed.

3. The contention advanced by the learned counsel for the petitioner is no doubt persuasive. But as rightly pointed out by the learned DSGI, the petitioner



W.P(MD)No.5059 of 2024

may not have any legal right as such to restrain the respondent authority from issuing licenses. I am of the view that the issue should not be viewed from the technical perspective. If too many licenses are issued, it will certainly lead to unhealthy competition. If market is sufficient to cater only to a given number of players, there is no point in increasing the number of players. But this call has to be taken by the respondents and this Court will not be justified in issuing any peremptory restraint order. I therefore direct the respondents to convene a meeting of all the stakeholders. All the stakeholders will be at liberty to place their materials and submissions for the consideration of the first respondent. It is the first respondent who has to take a call in the matter. Based on the decision to be taken by him, the rights of the petitioner will abide. Till such decision is taken, the respondents shall not issue any more licenses.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.



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W.P(MD)No.5059 of 2024

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W.P(MD)No.5059 of 2024

06.03.2024