



W.P.(MD) No.5325 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.5325 of 2015

J.S.Celment Gnanasekar

... Petitioner

Vs.

- 1.State of Tamilnadu,
Rep by The Principal Secretary to
Government (Transport Department),
Secretariat Buildings, St. George Fort,
Chennai 600 009.
- 2.The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.
- 3.The Managing Director ,
Tamil Nadu State Transport Corporation Limited,
Bye Pass Road, Madurai-16.



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4. The Learned Principal District Judge,
District Court Complex,
Palayamkottai, Tirunelveli - 2.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to establish and maintain fund as mandated in section 146 (3)(C) of Motor Vehicles Act, 1988.

(Prayer was amended with the leave of this Court on 09.04.2015)

For Petitioner : Mr.R.Jim

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1
Mr.S.C.Heroldsingh for R2 and R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to establish and maintain fund as mandated in section 146 (3)(C) of Motor Vehicles Act, 1988.



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2. When the matter was taken up for hearing, the learned counsel appearing for the respondents 2 and 3 has produced the remarks filed by the respondents Transport Corporation, in which it is stated as follows:

“5. I submit that due to sever financial crisis faced by the 3rd Respondent Corporation, there were some insufficiency in the corpus fund. Subsequently the corpus fund was replenished by the Government of Tamil Nadu by providing financial assistance. With that corpus fund the 3rd Respondent Transport Corporation is paying compensation amount to the motor accident victims.

6. I submit that due to insufficiency of corpus fund the buses of the 3rd Respondent Corporation were impounded by Motor Accident Claim Tribunal. After receiving funds from the Government, the 3rd Respondent Corporation is releasing the buses from the attachment by the Motor Accident Claims Tribunals.

7. I submit that 3rd Respondent Transport Corporation is a company owned by Government of Tamil Nadu. As such financial assistance will be provided by the Government Tamil Nadu whenever funds are required for settlement of motor accident claims.”



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WEB COPY 3. In view of the stand taken by the respondents 2 and 3 in the remarks, we are of the view that no further orders are required in this Writ Petition. Therefore, this Writ Petition is liable to be dismissed.

4. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

[D.K.K., J.] [M.S.K., J.]
09.01.2024

Neutral Citation: Yes / No
Index : Yes / No
vsm



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