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W.P(MD)No.22642 of 2018



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.22642 of 2018

K.R.Raja

... Petitioner

VS.

1. The Principal Secretary to Government,
Department of Welfare of Differently Abled Persons
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai -600 009.

2. The Additional Chief Secretary to Government,
Department of Transport,
Government of Tamilnadu,
Secretariat, St.George Fort,
Chennai-600 009.

3. The Director of Transport Corporation,
at Madurai.
(R3 is impleaded vide Court Order dated 01.03.2024
in W.P(MD)No.22642/2018)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the Respondent to take necessary steps to conduct accessibility adding by a team of persons with disabilities before introduce new buses for the public use and before giving license to the private buses for ensure the easy and maximum accessibility for the person with disability in the public transportation buses maintained by Transport



Department under the Government of Tamilnadu and private transport operators in accordance with Chapter II Section 3 - Equality and Non-discrimination, Section 5 – Community Life, Section 6 – Protection from cruelty and inhuman treatment, Section 8 – Protection and safety, Chapter VIII, Section 40 – Accessibilities, Section 41 – Access to Transport, Section 48 – Social Audit of The Rights of Persons with Disabilities Act, 2016 to ensure the equal opportunity for the persons with disabilities in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For R1 & R2 : Mr.P.Thilakkumar, Government Pleader
For R3 : Mr.S.C.Herold Singh

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

In order to give more facilities for the buses being plied by Government Transport Corporations throughout the State as physically challenged persons friendly, seeking a Mandamus, the present writ petition has been filed.

2. Heard Mr.R.Alagumani, learned counsel appearing for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel appearing for the 3rd respondent transport corporation.



3. On behalf of the Tamil Nadu State Transport Corporation (Madurai) Limited, the Managing Director of the Corporation has filed a counter affidavit dated 08.04.2024, where, *inter alia*, he has stated the following:-

"6.. I submit that the based on the directions of this Hon'ble High Court, in the above Writ Petitions, 2nd respondent is taking following actions:-

1. Quantity of the standard floor buses were reduced and tender for 552 Low Floor buses was issued and procurement is under process. Further, another tender for procurement of 150 low floor buses have also been floated and procurement is under process.

2. Copy of orders of Hon'ble High Court dated 18.04.2023 in W.P.No.29914 of 2022 has been communicated to the Municipal Administration & Water Supply Department, Highways and Minor Ports Department. Greater Chennai Corporation. Commissioner for Municipal Administration. Commissioner for Town Panchayath for taking necessary appropriate action in this regard.

3. Copy of orders of Hon'ble High Court, Chennai, dated 18.04.2023 in W.P.No.29914 of 2022 has also been communicated to the Automobile Organations by the Institute of Road Transport (IRT).

4. The Managing Directors of all STUs were requested to emphasize the importance of the observation of the Honble High Court, Chennai in the Training programmes being conducted for drivers and conductors. Further, the instructions have been issued to the Managing Directors of all STUs vide Govt.Lr.No.2091/A.1/2022, dt:15.05.2023.

7. I state that in strict compliance of the orders of this Hon'ble court, the Government as well as the transport corporation are initiating all efforts to implement the orders of this Hon'ble Court, in its letter and spirit. As such with regard to Madurai, we are operating 1268 Town / City buses in Madurai division which consists of 4 districts that is Madurai, Dindigul, Theni and Virudhunagar. Out of the same, 724 Town buses are being plyed in Madurai City. In order to have smooth travelling by the persons with disabilities, even while procuring the



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buses from the year 2016 — 2017, stick holding rings were provided in the buses so as to facilitate the persons with disabilities to place their sticks. We have also buzzer with switches so as to enable the persons with disabilities either to stop the bus in case of any emergency or to convey with regard to the difficulties in the buses. In order to facilitate the visually challenged persons we have installed audio announcement system in some of the buses, thereby the passengers can hear the names of bus stop and they can utilize the same, without the assistance of any one. With regard to the procurement of low floor buses, the government allotted 33 number of low floor town buses conforming to BS - VI standard to the Transport Corporation, Madurai, in addition to the 100 number of low floor buses are allotted to the Transport Corporation, Madurai under KFW (Climate friendly Modernization) Scheme. In fact the Transport Corporation, Madurai issued purchase orders on 30-01-2024 to Ashok Leyland Limited, so as to procure 100 low floor buses and we are awaiting supply from the manufacturer. I further submit that considering the pollution, another 100 low floor battery operated buses were allotted to the Transport Corporation, Madurai, thereby the transport corporation is making all efforts to implement the order passed by this Hon'ble Court.

8. I state that the prayer sought for in the present writ petition was already considered in the earlier round of litigation and orders are passed by this Hon'ble Court and this respondent is making all efforts to implement the orders of this Hon'ble Court in its letter and spirit. Therefore the question of the present writ petition for almost similar prayer does not arises. However being the welfare state, the Government as well as the transport corporation in a war footing is initiating appropriate steps in the interest of the persons with disabilities."

4. Relying upon these averments, the learned counsel appearing for the 3rd respondent transport corporation would submit that, pursuant to the earlier directions issued in another writ petition in W.P.No.29914 of 2022,



dated 18.04.2023, steps are being taken to make these facilities as a disabled persons friendly buses and furthermore, measures are being taken not only for the new buses which are being purchased, but also in the existing old buses, that kind of facilities would be provided. Since it is in large number of buses, these kind of facilities are to be provided, it takes some reasonable time and also depending upon the availability of the finance, these measures would be taken, but without fail, all the buses being plied by the transport corporation would be brought under these facilities soon or later. Therefore, the learned counsel would submit that the petitioner may not have any further grievance to pursue this matter.

5. The said submissions made by the learned counsel appearing for the 3rd respondent, especially, the said averments made in the counter affidavit filed by the transport corporation, as extracted herein above, having been taken note of, we think that this writ petition can be disposed of recording the afore-stated stand of the 3rd respondent and we hope and trust that, as early as possible, all the buses plying by the transport corporation in the State of Tamil Nadu, would be converted into disabled persons friendly buses and all such facilities for various disabled persons to meet their requirements shall be provided at the earliest.



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6. With these observations and directions, this Writ Petition is

disposed of. No costs.

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(R.S.K., J.)

(G.A.M., J.)

Index : Yes / No

15.04.2024

Neutral Citation : Yes / No

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To

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Secretariat, St. George Fort,
Chennai -600 009.

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