

W.P.(MD).No.7075 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.7075 of 2025

P.Marimuthu

.. Petitioner

Vs.

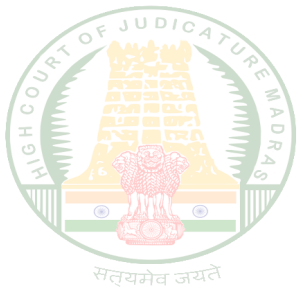
1.The Divisional Railway Manager,
Southern Railway,
Trichy Division,
Trichy Railway Station,
Trichy.

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

3.Manikandan,
S/o.Sithan,
District General Secretary,
Auto Rickshaw Driver Association,
Trichy City,
Venmani Illam,
Karur Bye Pass Road,
Sinthamani, Trichy-2.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st and 2nd respondents to cancel the new licenses issued to the auto Rickshaw owners on and after 31.03.2024 based on the representation of the petitioner dated 27.02.2025.



WEB COPY



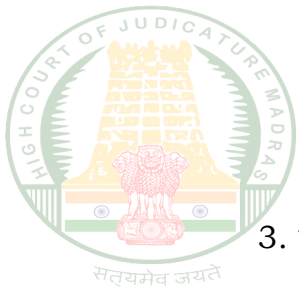
W.P.(MD).No.7075 of 2025

For Petitioner : Mr.M.Sridharan
For R-1 & R-2 : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

The petitioner seeks for a Mandamus to direct the first and second respondents to cancel the new licences issued to the auto rickshaw owners on and after 31.03.2024 based on the representation of the petitioner dated 27.02.2025.

2. The petitioner states that he is plying an auto rickshaw/auto bearing Registration No.TN 45 BR 2508 in Tiruchirappalli. He states that the first and second respondents had granted licences for about 80 autos to enter the railway junction. The licences were valid for a period of six months. A Writ Petition came to be filed in W.P.(MD).No.5059 of 2024, seeking for a Mandamus to forbear the respondents from issuing any auto/car/cart licence to any new applicants. According to him, the affidavit pleaded that as on that day, 150 licences are being exploited by auto drivers in Tiruchirappalli Railway Junction and that the respondents are attempting to give five more licences, which would lead to chaos. By an order dated 06.03.2024, the said Writ Petition was disposed of with a direction to the respondents to take a call in the matter.



W.P.(MD).No.7075 of 2025

3. The petitioner pleads that the second respondent has issued 39 new licences and that this will lead to utter confusion. Hence, he seeks for a Writ of Mandamus as stated above.

4. When the matter came up for admission, I pointed out to Mr.M.Sridharan that as a licensee, he cannot prevent the licensor from granting fresh licences to third parties. Mr.Sridharan argued that while the first and second respondents are not extending the licences to existing licensees, they are handing out fresh licences to new persons. This, he pleads, affects the rights of persons like the writ petitioner.

5. Mr.K.Govindarajan, learned Deputy Solicitor General of India took notice for the respondents 1 and 2. He urges that the respondents 1 and 2 were constrained to increase the number of licences, on account of introduction of new trains and routes, which resulted in increased boarding and de-boarding of passengers at Tiruchirappalli Railway Junction. On the plea made by Mr.Sridharan, Mr.Govindarajan took time to get instructions and report before this Court.

6. Today, when the matter is taken up for hearing, Mr.Govindarajan stated that the respondents have not discriminated between old licensees and new licensees. He states that 61 new licences have been issued in



W.P.(MD).No.7075 of 2025

addition to the 8 licenses previously issued. He adds that in case, any old licensee has not renewed his licence, he can always approach the first and second respondents and it will be favourably considered. As a caveat, he adds that the previous concession granted by the first and second respondents will not be extended to one particular auto rickshaw driver against whom there have been complaints lodged by the consumers.

7. I have carefully considered the submissions of both sides. I have gone through the records.

8. The petitioner is a licensee under the respondents 1 and 2. He is not an exclusive licensee. The respondents 1 and 2 offer licences enabling autos to enter Tiruchirappalli Railway Junction, to off loading and picking up passengers. When the petitioner does not have any exclusive license, he cannot seek for a Mandamus to restrain the licensor from issuing licences to others.

9. Whether the respondents 1 and 2, who are in charge of the railway station, want to issue a licence or not, is a policy decision. It depends upon the usage of the railway station, the number of trains, which pass through and halt at the station and the footfall in the Tiruchirappalli Railway Junction. Unless and until, an exclusive licence is granted to a licensee, he



W.P.(MD).No.7075 of 2025

cannot prevent the licensor from issuing licences to others. Being a policy decision, I am not in a position to grant the relief sought for by the petitioner. Suffice it to record the statement of the learned Deputy Solicitor General of India that in case, any old licensee has been left out, he/she can approach the respondents 1 and 2, who will favourably consider the application seeking for grant of licence.

10. With the above observations, this Writ Petition stands dismissed.

There shall be no order as to costs.

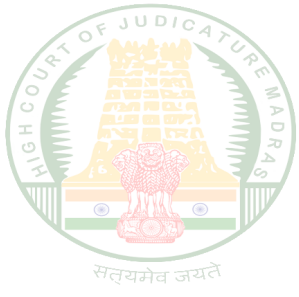
26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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.



WEB COPY



W.P.(MD).No.7075 of 2025

V.LAKSHMINARAYANAN,J.

Lm

W.P.(MD).No.7075 of 2025

26.03.2025