



W.P(MD)No.20112 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.20112 of 2018
and
WMP (MD) No.17857 of 2018**

M.Rajendran

... Petitioner

vs.

1. The Principal Secretary To
Government of Tamilnadu,
Home (Transport) Department,
Secretariat,
Fort.St.George,
Chennai 600 009.

2. The Additional Chief Secretary to Government of Tamilnadu,
Transport Department,
Secretariat, Fort.St.George, Chennai 9.

3. The State of Tamilnadu,
Rep. by the Secretary,
Department of Transport,
Secretariat, Fort.St.George,

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4. The State Transport Commissioner,
Department of Transport,
Ezhilagam, Chennai 600 005.
5. The Managing Director,
TNSTC (Kumbakonam) Ltd.,
Railway Station Pudhu Road, Kumbagonam.
6. The Managing Director,
TNSTC(Villupuram) Ltd.,
No.3/137, Salamedu, Valutha Redy Post,
Vilupuram 605 602.
7. The Managing Director,
TNSTC (Madurai) Ltd.,
By-Pass Road,
Madakkulam, Madurai 10.
8. The Managing Director,
TNSTC (Salem) Ltd.,
No.12, Ramakrishna Road, Salem 7.
9. The Managing Director,
TNSTC(Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore 43.
10. The Managing Director,
TNSTC (Tirunelveli) Ltd.,
Tirunelveli.
11. The Managing Director,
TNSTC (Tamilnadu) Ltd.,
Pallavan Salai,

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12. The Secretary,
Federation of Bus Operators Association
of Tamilnadu,
Dhamus Towers,
No.6, Bishop Wallers Avenue (East),
Mailapur,
Chennai 4.

13. The President of Name A.Afzal,
Tamil Nadu Omni Bus Owners Association,
Tao-34, Chennai Contract Carriage Bus
Terminal,
Koyambedu, Chennai 600 107.

14. The Secretary by Name,
Anbazhalagan,
All Omni Bus Owners and
Operators Association,
No.F28, Sriji Majestic Complex,
Koyambedu,
Chennai 600 107.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents Nos.1 to 4 to withdraw or withheld the transport permit issued to respondent Nos. 5 to 14, for their continuous and deliberate non compliance of fitting the emergency exit and seating arrangements as per the specification as described in Rule 128 and 128(A) Central Motor Vehicles Rules 1989 and Rules 306, 307, 313 and 319 of Tamil Nadu Motor Vehicles Rules 1989. in the course of their operation of vehicles as stage carriages and Omni Buses and to initiate stern penal action for

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the inaction of the erring officials concerned, in the implementation of the Motor Vehicles Act, 1988, Central Motor Vehicles Rules (Amendment) 2005 and Tamil Nadu Vehicles Rules, 1989, particularly in respect of fitting the emergency exit and seating arrangements as per the specification as prescribed in these Rules.

For Petitioner : Mr.M.Rajendran (Party-in-person)
For R1 - R4 : Mr.P.Thilak Kumar
Government Pleader
For R5 : Mr.S.C.Herold Singh
For R6 : Mr.Muthu Geethayan
For R7 : Mr.A.P.Muthupandian
For R8 : Mr.L.Jeen Felix
For R10 : Mr.K.Sathiya Singh and M.Kanitha
For R9, R11,R13 & 14: Notice not ready

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The present Public Interest Litigation has been instituted seeking the following reliefs:

(i) to direct the respondents Nos.1 to 4 to withdraw or withheld the transport permit issued to respondent Nos. 5 to 14, for their continuous and deliberate non compliance of fitting the emergency exit and seating arrangements as per the specification as described in Rule 128 and 128(A) of the Central Motor



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(ii) to initiate stern penal action for the inaction of the erring officials concerned, in the implementation of the Motor Vehicles Act, 1988, Central Motor Vehicles Rules (Amendment) 2005 and Tamil Nadu Vehicles Rules, 1989, particularly in respect of fitting the emergency exit and seating arrangements as per the specification as prescribed in these Rules.

2. The petitioner-in-person would submit that the Tamil Nadu State Transport Corporation/respondents in the present writ petition are not following Rules 128 and Rules 128A of the Central Motor Vehicles Rules, 1989, in its letter and spirit. Though the respondents state that the emergency exit is provided in vehicles it has not been provided in consonance with the specifications fixed under the Rules. Thus, the Corporations are violating the Motor Vehicle Rules and therefore, penal actions are to be initiated against the erring officials of the Transport Corporation.



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3. Even in buses where emergency exit is provided, seats are fixed with the commercial motive and therefore, the authorities must be held liable for violation of Rules in this regard.

4. The learned Government Pleader relying on the counter-affidavit filed by the Tamil Nadu State Transport Corporation, Villupuram, would submit that Transport Corporations are following Rule 128 of the Central Motor Vehicles Rules. Gradually all the old buses will be replaced by introduction of new buses fitted with emergency exits. It is a lame excuse on the part of the State Transport Corporation and State owned Corporations are duty bound to fix emergency exits which is a life-saving provision provided under the Central Motor Vehicles Rules during emergency and accidents for saving the lives. Such provisions are to be scrupulously followed by the Transport Corporations and erred officials must be personally held responsible and accountable in the event of any untoward happens due to the failure on their part to maintain emergency exit doors in the vehicles.



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5. Rule 128 (iv) of Central Motor Vehicles Rules, 1989, reads as under:

“(4) Emergency exit-The emergency exit provided on the tourist vehicle shall meet the following requirements, namely:-

(i) be clearly marked 'EMERGENCY EXIT' in bold letters on the inside and the outside of the tourist vehicle;

(ii) be so designed as to open from inside and the outside of the tourist vehicle;

(iii) be equipped with a fastening device which can be quickly released but so designed as to offer protection against accidental release;

(iv) be easily accessible to persons of normal height standing on the ground outside the vehicle;

(v) be easily accessible to the passengers;

(vi) be such that no seat or other object placed in



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the vehicle shall restrict the passage to the emergency door;

(vii) be located either at the back or on to the right hand side of the vehicle; and

(viii) emergency exist may be provided in the form of a window with breakable glass. In such cases, a suitable device shall be provided at a convenient place to break open the glass in the event of an emergency.”

6. The grievance of the writ petitioner is that Code of Practice of Bus Body Design and Approval in AIS – 052 (Rev.1) has not been followed. The specifications are to be followed for safety and security of the passengers travelling in the vehicles. In this regard, the Tamil Nadu State Transport Corporation, Kumbakonam Limited, in letter dated 20.11.2024, states that after implementation of the Bus Body Code from the year 2018, the Corporation is constructing the buses with seating arrangements and emergency exits as per the provisions of AIS – 052 (Rev.1) Bus Body Code. Mere statement in this regard by the Transport Corporation would be insufficient. They must ensure that the Motor



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Vehicles Rules and the Bus Body Code are followed to protect the safety and security of the passengers travelling in the vehicles. Wherever the Rules are applicable, it is to be scrupulously followed. The respondents are directed to ensure that Rule 128 and Rule 128A is followed with the specifications provided strictly and the Bus Body Code to protect the safety and security of the passengers and the said exercise is directed to be completed within a period of six months from the date of receipt of a copy of this order.

7. This writ petition stands disposed of with the above observations and directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
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NCC : Yes
Index : Yes
Internet : Yes
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