



W.P.No.5142 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.04.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, Chief Justice
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5142 of 2022

S.V.Ramamurthy,
Advocate.

.. Petitioner

Vs.

The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai-600 009.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to implement G.O.Ms.No.611, Home (Tr.III) Department, dated 25.08.2013 which has been passed based upon para 4 of the Status Affidavit of the Chief Secretary of the State of Tamil Nadu, dated 25th August 2013 filed in the Supreme Court in S.L.P.No.294 of 2012.

For petitioner : Mr.S.V.Ramamurthy, Advocate/Party-in-person

For respondents: Mr.R.Shanmugasundaram, Advocate General
assisted by Mr.P.Muthukumar, State Govt. Pleader,
Mr.K.M.D.Muhilan, Govt. Advocate and
Ms.A.G.Shakeenaa

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ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition has been filed to seek a direction to the respondent for implementation of G.O.Ms.No.611, Home (Transport.III) Department, dated 25.08.2013. It is in regard to the installation of the meter in the auto-rickshaws so that person may not be cheated in terms of fare and auto-rickshaws should move on the meter reading.

2. The learned Advocate General appearing for the respondent, submitted that in compliance of the said G.O., action had been taken and presently, all the auto-rickshaws are having electronic meters, but it is without printers. Looking into the cost of the electronic meter with printers, it is not viable for the State for installing the same in the auto-rickshaws, but, the learned Advocate General submitted that all the auto-rickshaws are having electronic meters. It would be apart from the Global Positioning System (GPS), pursuant to the decision taken by the Government. It is further stated that the State is in the process of installing GPS or to make a consolidated equipment which may have meters with GPS. It may be available through the mobile application.

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3. The learned Advocate General further submitted that, so far as the printer is concerned, that would not be workable, looking into the cost that has to be incurred by the State Government or auto-rickshaw holder. In any case, the compliance of the G.O. dated 25.08.2013 has been made. Accordingly, all the auto-rickshaw holders are charging amounts based on the meters installed on their auto-rickshaws.

4. The learned Advocate (petitioner-in-person) contested the statements made by the learned Advocate General. He submitted that even if the electronic meters have been installed on the auto-rickshaws, they do not operate the same, rather, they demand charges as per their sweet-will. The Writ Petition has been filed mainly for this reason.

5. A reference to the other available system through Ola/Uber, etc., has also been given by the petitioner, which has taken a toll on the plying of the auto-rickshaws, but in the Ola/Uber, etc., the meters are installed and working, whereas, in the auto-rickshaws, though meters may have been installed, it is not being operated or it would not work. Therefore, compliance of the order has not been made as prayed for in the Writ Petition.

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6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the records.

7. So far as installation of the meters in the auto-rickshaws, is concerned, the learned Advocate General has categorically stated that almost all the auto-rickshaws are having electronic meters, though the Government is in the process to finding out the ways to even instal the GPS system in the auto-rickshaws to the benefit of the public/passengers. The complaint is that, despite existence of the meters, the auto-rickshaw holders are not operating it. Whenever an auto-rickshaw holder is caught for not using the meter, the action is taken. In any case, the efforts should be to check the auto-rickshaw holders to find out as to whether they are operating it with the meters or not.

8. So far as the process of installing the GPS in the auto-rickshaws in a composite manner is concerned, the respondent shall take further steps for the aforesaid act, so that with the application of GPS, even the passengers would be benefited.

9. So far as the printer is concerned, it was shown to be an expensive affair and thus, we do not find any reason to issue direction in this regard, but as

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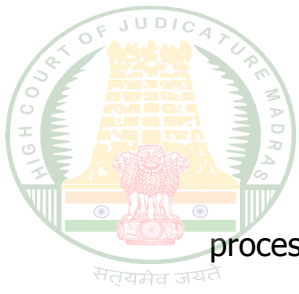
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and when it is available, the respondent would even provide printer to generate the bills.

10. Looking into the fact that the compliance of the said G.O. dated 25.08.2013 has been made to some extent, it is necessary for this Court to dispose of the Writ Petition with a direction that all the auto-rickshaw holders should have electronic meters and that should operate and accordingly, periodically, checks should be conducted by the Police and Transport Departments to find out as to whether the auto-rickshaw is being operated with meters or not, and for that, if any complaint is made, then immediate action should be taken on it. The G.O. dated 25.08.2013 shall be complied with as directed above.

11. At this stage, it is further directed that the State may revise the fares/rates of the auto-rickshaws, periodically, looking to the fluctuation of the rates of petrol/diesel. A mechanism for revision of rate to the benefit of the auto-rickshaw holders and also the public/passenger may be evolved by the respondent in appropriate manner. The respondent may come with the system where fluctuation of the rates of petrol/diesel may be taken into account for revision of fare/rates of the auto-rickshaws, without evolving the long drawn

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process, but by using the software in such a manner where the rates may be revised, thereby, upgraded the system/mechanism automatically on the meters.

12. The petition is disposed of with the aforesaid directions. No costs.

(M.N.B., C J) (D.B.C.,J)
06.04.2022

Index: Yes/no
Speaking Order: Yes/no
cs/grs

To

The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai-600 009.

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THE HONOURABLE CHIEF JUSTICE

and

D.BHARATHA CHAKRAVARTHY, J

CS

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