

IN THE HIGH COURT OF MEGHALAYA

WP(C) No. 156 of 2013

West Garo Hills Bus Association, Tura
West Garo Hills, having its office in Tura,
Represented by its Secretary,
Shri. Martin T Sangma,
Son of Shri. Jogendro B Marak,
Resident of K.A. Road, Near Don Bosco Tura,
West Garo Hills District, Meghalaya

..... **Petitioner**

- versus -

1. The State of Meghalaya, represented by the
Commissioner & Secretary, Transport
Department, Meghalaya, Shillong.
2. The State of Meghalaya, represented by the
Commissioner & Secretary, Urban Affairs,
Department.
3. The Municipal Board, Tura represented by the
Chief Executive Officer.
4. The Deputy Commissioner, West Garo Hills, Tura
Meghalaya.
5. The Tura Mini Bus Syndicate having its Headquarter
at Dakopgre, Tura, West Garo Hills,
represented by its Secretary.

..... **Respondents**

**BEFORE
THE HON'BLE MR JUSTICE SR SEN**

Advocate for the Petitioner	:	Mr. R Kar
Advocate for the Respondents	:	Mr. K Khan Mr. S Sen Gupta
Date of Hearing	:	28.11.2013
Date of Judgment and Order	:	28.11.2013

JUDGMENT AND ORDER

This instant writ petition is directed against the representation dated 30.01.13 filed by the petitioner addressed to the Deputy Commissioner, West Garo Hills, Tura.

2. The petitioner's case in nut shell is that, "the instant writ petition under Article-226 is being preferred by the petitioner's Association, West Garo

Hills Bus Association who are engaged in running of the commercial vehicles all over Garo Hills. The petitioner's are bounded by all the regulations framed under the Motor Vehicle Act, 1988 in order to run their vehicles i.e. they are required to obtain road permit, registration certificate etc. necessary road tax etc.

3. That, recently at the behest of the State Government buses under the JNNURM Scheme were introduced in Tura which was meant for urban areas only - the same service being highly subsidized.

4. Tura Bus Syndicate which is arrayed as respondent No. 5 in the Writ Petition was entrusted to run the buses within the Tura Municipality Areas in terms of the Scheme framed for the purpose. But the Tura Bus Syndicate instead of running the buses for the benefit of the commuters of Tura Municipality is engaged in operating line services with those buses. The same action of Tura Bus Syndicate is not only violation of the Scheme but also affect the livelihood of the members of the petitioner's Association as well as other similarly places.

5. The petitioner's Association although brought the matter to the notice of the competent authority praying for necessary action in this regard but the same evoked no response and hence this writ petition under the Article-226 of the Constitution of India."

6. Mr. R Kar, the learned counsel appeared for on behalf of the petitioner has submitted that, before introduction of the scheme called JNNRUM, there was a meeting and in that meeting it was decided that buses under the scheme JNNURM shall ply only within the Municipal Area, Tura. But to the utter surprise of the petitioner, another Public Transport Service was introduced in the name and style of Tura Public Transport Service (TPTS) which are plying beyond the Municipality Area, as a result, the petitioners are incurring financial losses in their business. Thereafter, the petitioner filed a representation dated 30.01.13 before the Deputy Commissioner, West Garo

Hills, Tura which is still remained un-disposed, hence, approached this Court by way of this instant petition for necessary direction.

7. Mr. K Khan, the learned counsel appeared for on behalf of the respondent No. 3 and Mr. S Sen Gupta, the learned counsel appeared for on behalf of the respondents No. 1,2 & 4 respectively.

8. The learned counsel for the respondents have submitted that the buses under the Logo of TPTS have been introduced from the fund of the 13th Finance Commission, Government of Meghalaya and has nothing to do with the buses plying under the Logo of JNNURM. The learned counsel has also submitted that in such a scenario, the instant petition is not maintainable.

9. After hearing the submissions advanced by the learned counsel at bar and after going through the records, I find that the buses under the Logo JNNURM and TPTS are two different buses plying under different schemes and both the bus services were introduced by the Government for the convenient of the public as well as for their interest. It is mention here that, when the question of larger public interest is involved, the interest of few individual public can be overlooked. I am also of the further view that, in such type of cases, jurisdiction of writ cannot be invoked. It is a fact that, writ Court has wide power but it needs to be apply with restrain so that the sanctity of the writ Court does not degrade. Therefore, I am not inclined to interfere with the instant writ petition; hence, this petition is disposed of with a direction to the Deputy Commissioner, West Garo Hills, Tura to consider the representation of the petitioner dated 30.01.13 and to pass a speaking order.

10. With these observations and directions, this instant petition is disposed of.

JUDGE

V. Lyndem