
(1994) 07 MAD CK 0104
In the Madras High Court
Case No : W.A. No. 940 of 1994

Aruppukottai Taluk Consumers Council	APPELLANT
Vs	
The Commissioner, Aruppukottai Municipality, Aruppukottai	RESPONDENT

Date of Decision : 26-07-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 07 MAD CK 0104

Hon'ble Judges : K.A. Swami, C.J.;Somasundaram, J

Bench : Division Bench

Advocate : S. Mohan, for the Appellant; K.M. Srirangan, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

K.A. Swami, C.J.—This is a public interest litigation. The Petitioner is Aruppukottai Taluk Consumer Council represented by its Secretary, S. Kalidas. In a petition under Article 226 of the Constitution of India, the Petitioner has sought for issue of a Writ of mandamus or any other appropriate direction to the Respondent to open the reconstructed old bus stand at Aruppukottai and operate the bus stand at Aruppukottai and operate the bus services from Aruppukottai to east and west directions from the said bus stand. Learned single Judge has dismissed the Writ petition on the Ground that it is premature, as, according to the affidavit, the old bus stand has been made ready about a month prior to filing of the writ petition. However, we directed the learned Government Pleader to take notice on behalf of the Respondent and get in touch with the Respondent and state the actual state of affairs as public interest is involved in the case. Learned Government Advocate, on obtaining instructions, submits that the reconstruction of the old bus stand was completed about two years ago and there is no obstacle for putting the bus stand into operation. It cannot be disputed that a result of non-reopening of the old bus stand which has been reconstructed, the travelling public are put to great inconvenience and they are

deprived not only of the usual facilities that would be available in a bus stand but also other benefits they would be entitled to in the bus stand. Normally, it would be a matter for the Respondent to take a decision as to on what date the reconstructed old bus stand should be reopened, but, in a case where the Authority who is competent to take a decision fails to take such a decision for an unreasonably long period, (In the instant case two years) a public interest cannot be allowed to suffer. this Court has to necessarily step in and safeguard the public interest. The Respondent owes a duty to the public and it is a part of public function, for the Commissioner to ensure that the bus stands are maintained properly and are made available to the travelling public. As no reason is put forth for the delay in reopening the reconstructed old bus stand and as it is submitted by learned Government Advocate that everything is completed and the bus stand can be put to use on any day, we are of the view that allowing the bus stand to remain vacant, without being used would be a waste of public property and at the same time it causes great inconvenience to the public. Therefore, we first put to the learned Government Advocate that he may make a statement that within a particular period the reconstructed old bus stand would be reopened. However, learned Government Advocate found it delicate to make any such statement. This is a case in which the Respondent has failed to discharge his duties which he owes to the public and has thereby allowed the public interest to suffer. Hence, in public interest we issue appropriate directions in the following terms:

The Writ appeal is allowed. The Order dated 22.6.1994 passed by the learned single Judge in W.P. No. 10593 of 1994 is set aside. The Writ petition is allowed with a direction to the Respondent that the reconstructed old bus stand be reopened on or before 15th August, 1994.

No Costs.