

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (PIL).No.292 of 2018

ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present public interest litigation has been filed on account of an unfortunate incident which took place on 11.09.2018 at Kondagattu hill, Jagityal District, wherein a bus owned by the Telangana State Road Transport Corporation (TSRTC) met with an accident resulting in loss of human lives.

In the public interest litigation, the petitioner, who is stated to be the representative of public, has stated that the bus was overcrowded, the bus was not in a fit condition, proper treatment was not given to the passengers, *ex gratia* payment has not been done and in those circumstances, the following relief has been prayed by the petitioner:-

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS

declaring the inaction of the Respondents 1 to 7 in not taking preventive measures to eradicate the Motor Vehicles Accidents in the State of Telangana and consequently to direct the Respondents

(i) Not to permit the Passengers more than permitted limit in the Public Transport Vehicles, particularly Buses, Cars, Autos, etc. and not to allow the Vehicles to ply with over crowded.

(ii) To direct the Concerned Authorities to provide proper medical treatment with all medical equipments to the injured whenever accidents take place.

(iii) To replace the New Vehicles in the place of Outdated vehicles in Telangana State Road Transport Corporation (TSRTC).

(iv) To direct the Station House Officer, Mallial Police Station to include the Regional Manager, the Depot Manager, Jagtial (TSRTC) and other responsible persons for the accident took place at Kondagattu Hillock as Accused in FIR vide Cr.No.141/2018, U/S 304-A, 338, 337 IPC.

(v) To take serious action against the Officers and employees, who were ill-treated the dead bodies and not providing proper facilities till their last rites.

And pleased to grant other relief or orders as the Hon'ble Court deems fit in the interest of Justice."

A detailed and an exhaustive counter affidavit has been filed by the TSRTC and it has been stated that the unfortunate accident did take place, but it was certainly not a very old bus. It was manufactured in the year 2007

and has run only for ten years. A fitness certificate was granted to the bus in question on 05.10.2017 keeping in view the statutory provisions contained in the Motor Vehicles Act and the Rules framed thereunder. It has been stated that while the driver was coming down from the uphill, he lost control resulting in the accident and the bus fell into a deep gorge. As many as 61 passengers expired and 52 passengers received serious injuries. They were shifted to various hospitals like NIMS, Sun Shine hospital, Yashoda hospital and Max Cure. It has been stated that the State Government has spent a sum of Rs.1,36,69,240/- towards the treatment of passengers and as many as 45 passengers have been discharged at the time when the counter affidavit was filed and seven were undergoing further treatment. It has also been brought to the notice of this Court that Rs.3,00,000/- was paid by the TSRTC towards compensation to the legal heirs of the deceased and the State Government has announced Rs.5,00,000/- towards *ex gratia* in case of each death, though it has been stated that the amount has not been paid so far.

In case the aforesaid amount has not been paid so far, the same shall be paid positively within sixty days from today.

It has also been stated in the counter affidavit that the TSRTC is always ensuring that the buses are not overcrowded. However, on the fateful day, as the passengers were going to a temple during Shravan Maas, the conductor and the driver were not able to stop them entering the bus and in those circumstances, the bus was overcrowded and has resulted in casualties as the accident took place. The driver is also no more on account of the unfortunate incident. The TSRTC has furnished details in respect of the life of the bus, the policy of changing the bus and their contention is that the accident rate in the TSRTC is only 0.07 per lakh kms.

In the considered opinion of this Court, as the State Government has paid the amount towards treatment of all the passengers, *ex gratia* payment has been done, the TSRTC has ensured fitness of buses by replacing the old buses and the TSRTC is carrying out periodical checks in respect of the buses owned by them, no further orders are

required to be passed in the present public interest litigation. However, it is made clear that, as already stated, in the cases where the *ex gratia* amount has not been distributed, the same shall be distributed within sixty days from today and the periodical checks shall be carried out in respect of the buses owned by the TSRTC after every three months and the State shall be very strict while granting a fitness certificate in respect of not only the buses belonging to the TSRTC, but also in respect of all the motor vehicles in the State of Telangana.

With the aforesaid, the present public interest litigation stands disposed of.

The miscellaneous applications pending, if any, shall stand closed. There shall be order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

21.02.2022

vs