

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**WRIT PETITION (PIL) No. 100 OF 2020**

**ORDER:** (Per Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

Rapolu Bhasker, a practicing Advocate, who claims to be a social worker, has filed the present Public Interest Litigation for challenging the omission on the part of the State in not providing ration and financial assistance up to Rs.15,000/- to the private drivers in the State of Telangana.

Briefly, the facts of the case are that the petitioner claims that with the unprecedented spread of Coronavirus/Covid-19, there has been a perpetual lockdown in the State from 24.03.2020. Due to the prolonged lockdown, the Cab drivers have not been able to drive their taxies. They have lost their jobs as taxi drivers. Thus, they are unable to feed their families, to pay their bills, and to meet their financial requirements. Hence, day-by-day their condition is becoming pitiable. Due to their critical economic conditions, about 8,00,000 Cab drivers in the State are facing a very bleak present, and a very dark future. Moreover, about 3,50,000 drivers had purchased cars, after taking loans both from banks, and from financial institutes on EMI basis. But, due to their financial crises, they are unable to pay the bank loans. Hence, they are being harassed by the banks/financial institutions. Furthermore, about 50,000 drivers engaged with platform taxi companies, such as Uber and Ola, can no longer ply the Uber/Ola taxies. Thus, even these companies have stopped paying any amount to the drivers. Hence, even these drivers are struggling with financial crises. Lastly, according to the petitioner,

it is the foremost duty of the State to rush to the rescue of the people. However, the State is not providing any funds to the Cab drivers. Moreover, the Government is not looking after the daily needs of this segment of the population. Hence, the prayers before this Court.

Mr. M. Rangaiah, the learned counsel or the petitioner, has reiterated the factual position before this court. He further submits that both under Article 21 and under Articles 38 and 43 of the Constitution of India, the State is duty bound not only to ameliorate the living conditions of the people, but also to improve the same. However, the State is singularly failing to carry out its Constitutional duties. Therefore, the learned counsel pleads that a writ of mandamus should be issued to the State directing the State to create a separate fund for the Cab drivers. Through this special fund, the State should provide ration, and financial assistance to the tune of Rs.15,000/- per month to the Cab drivers residing in the State.

On the other hand, Mr. B.S. Prasad, the learned Advocate General, submits that the State is well aware of its Constitutional duties towards its people. Keeping in mind the plight of the people, the State is distributing 12 kgs of rice to every member of the family, who is a Food Security Card Holder, or who is below the poverty line. The State is also looking after the medical needs of the people under the Arogya Yojana Scheme and is providing free check-up and treatment to Covid-19 positive patients. Furthermore, in order to take care of the rural population, the State has also floated a large number of schemes for the rural people. Lastly, the duties imposed upon the State under Part-IV of

the Constitution of India can be carried out by the State depending on its financial capacities. Therefore, it is for the State to create a policy while dealing with a specific issue which will impose a burden on the State exchequer. Since it is a policy decision, which needs to be taken by the State, the power of judicial review cannot be exercised to direct the State to create a particular policy. Therefore, the learned Advocate General submits that the present writ petition is highly misplaced.

Heard the learned counsel for the parties.

It is, indeed, a settled position of law that the Constitutional Court, under its writ jurisdiction, cannot direct the Executive to create a particular policy, especially a policy which would have financial implications. It is always left to the conscience of the Executive, which is well aware of the plight of the people, to create, or not to create a particular policy while dealing with the conditions of the people. Therefore, this Court would be overstepping its writ jurisdiction by directing the State to create a separate fund for the needs of the Cab drivers.

It is, indeed, common knowledge that the Government is distributing food grains, such as 12 kgs of rice, to the Food Security Card Holders, and to those who are below the poverty line. Because of the distribution of the food grains through Fair Price Shops, the people's essential dietary requirements are being met. In fact, the petitioner has not pointed out any particular instance of starvation in the State. Therefore, the learned counsel for the petitioner is unjustified in claiming that the Cab drivers are unable to "feed the family".

Although this Court cannot issue a mandamus to the respondents, but this court does direct the petitioner, and Cab drivers, who may be facing financial crises, to submit their representation to the Principal Secretary, Transport Department, bringing their conditions to the notice of the Department. The Principal Secretary shall sympathetically consider the difficulties and problems of the Cab drivers. The Principal Secretary should further bring the conditions of the Cab drivers of the State to the notice of the Government so that the Government would be in a position to formulate a policy, if necessary, in order to ameliorate the conditions of the Cab drivers.

For the reasons stated above, this Court does not find any merit in the present writ petition. It is, hereby, dismissed. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

**RAGHVENDRA SINGH CHAUHAN, CJ**

**B. VIJAYSEN REDDY, J**

29.07.2020  
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Dated: -07-2020

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