

**IN THE HIGH COURT OF LESOTHO**

In the matter between:

<b>MASERU MAPUTSOE TAXI ASSOCIATION</b>	<b>1<sup>st</sup> Applicant</b>
<b>NTHO E NCHA!!! MAPUTSOE TAXI ASSOCIATION</b>	<b>2<sup>nd</sup> Applicant</b>

**and**

<b>POLICEMAN MAKHATSANE</b>	<b>1<sup>st</sup> Respondent</b>
<b>TRAFFIC INSPECTOR</b>	<b>2<sup>nd</sup> Respondent</b>
<b>TRAFFIC COMMISSIONER</b>	<b>3<sup>rd</sup> Respondent</b>
<b>ROAD TRANSPORT BOARD</b>	<b>4<sup>th</sup> Respondent</b>
<b>OFFICER COMMANDING BEREA POLICE STATION</b>	<b>5<sup>th</sup> Respondent</b>
<b>COMMISSIONER OF POLICE</b>	<b>6<sup>th</sup> Respondent</b>
<b>MINISTER OF WORKS AND TRANSPORT</b>	<b>7<sup>th</sup> Respondent</b>
<b>ATTORNEY-GENERAL</b>	<b>8<sup>th</sup> Respondent</b>

**JUDGMENT**

**Coram:** **Hon. Hlajoane J**

**Date of Hearing:** **5<sup>th</sup> May, 2014.**

**Date of Judgment:** **20<sup>th</sup> May, 2014.**

### Summary

*Application for allowing the Applicants to stop at Bankeng Bus Stop and area near Excel Petrol Garage in Teyateyaneng for picking up and dropping passengers – Counsel agreed that Bankeng Bus Stop is a bus stop but area near Excel not a bus stop – Applicants allowed to pick and drop passengers at Bankeng Bus Stop and not at the area near Excel petrol garage.*

### **Annotations**

### **Statutes**

### **Books**

### **Case**

- [1] In this application, the applicants are asking the Court to stop the respondents from interfering with their right to pick up passengers at Bankeng bus stop and near Excel petrol garage in Teyateyaneng in the Berea district.
  
- [2] In the Notice of Motion the applicants showed the areas that they want to pick up passengers as being the place between Excel petrol garage and Bankeng bus stop, but in argument they confined themselves to only those two places being Bankeng bus stop and near Excel petrol garage.

- [3] The applicants had also asked the Court to interdict the 1<sup>st</sup> respondent from collecting fine monies from applicants' Association Members' taxis as such fines are only to be paid at the Sub Accountant Office in Teyateyaneng.
- [4] To substantiate their claim in relation to the alleged collecting of fines, the chairman of 2<sup>nd</sup> respondent, Albert Tsupane deposed in his affidavit that he saw his driver give a M100.00 (hundred maloti) to a street vendor who then called somebody unknown to him, and the taxi that was impounded was released.
- [5] The respondents in response to the (4) above submitted that for applicants to have said the M100.00 was given to a street vendor who in turn called someone unknown to applicants is a baseless argument as there has been no legal proof to it. The money has not been said to have been given to any of the respondents. If ever that happened there has been no link between respondents, the street vendor and the person unknown who was called by the 1<sup>st</sup> respondent.
- [6] What this Court has been called to determine is whether or not the two areas, Bankeng bus stop and near Excel petrol station are designated areas for picking up and dropping passengers.

- [7] The Court had occasion to go out on an inspection in loco and saw the areas concerned. Both counsel were present and the areas were inspected. In regard to Bankeng bus stop both counsel were agreed that the area is a bus stop for dropping and picking up passengers but not touting. As for the area near Excel filling station both counsel were agreed that the place is not a bus stop.
- [8] When looking at the place at Bankeng bus stop we all saw that an allowance has been made on the sides of the road for vehicles to stop outside the road. But for the place near Excel there is no such an allowance for stopping outside the road.
- [9] In the result the following order is made:
- (a) That the applicants are allowed to stop at Bankeng bus stop to pick up and drop passengers as that place is a bus stop for that purpose but not for touting.
  - (b) The applicants are interdicted and prevented from stopping at any place near Excel petrol garage as that place is not a bust stop for whatever purposes.
- © It follows therefore that stopping at areas not designated as bus stops will attract payment of fines at the relevant offices.

[10] On the question of costs, since each side had in part been successful, I will make no order for costs, but order that each party must bear its own costs.

**A. M. HLAJOANE**  
**JUDGE**

For Applicants: Mr Makase

For Respondents: Ms Matšosi