

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Friday, the 24th day of November 2023 / 3rd Agrahayana, 1945

WP(C) NO. 39289 OF 2023

PETITIONERS:

1. ABDULLA. H. NAUSHAD, AGED 27 YEARS, S/O. HASSAN NAUSHAD, PUNNARAM, NELLETTIL P.O, POOTHAKKULAM, BHOOHAKULAM, KOLLAM, PIN-691302.
2. ANILA NAUSHAD, AGED 67 YEARS, W/O. HASSAN NAUSHAD, PUNNARAM, NELLETTIL P.O, POOTHAKKULAM, BHOOHAKULAM, KOLLAM, PIN-691302.

RESPONDENTS:

1. THE STATE OF KERALA TRANSPORT DEPARTMENT, THROUGH ITS SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
2. TRANSPORT COMMISSIONER, VANCHIYOOR, THIRUVANANTHAPURAM, PIN-695035.
3. REGIONAL TRANSPORT OFFICER, ENFORCEMENT OFFICE OF THE DISTRICT REGISTRAR, FIRST FLOOR, TRANSPORT BHAVAN, S STREET RD, FORT, EAST FORT, PAZHAVANGADI, THIRUVANANTHAPURAM, KERALA, PIN - 695023.
4. THE REGIONAL TRANSPORT OFFICER, TRIVANDRUM 5TH FLOOR, KSRTC TERMINAL, THAMPANOR, THIRUVANANTHAPURAM, KERALA, PIN-695023.
5. THE REGIONAL TRANSPORT OFFICER, KOLLAM, NEAR ANANDAVALLEESWARAM TEMPLE, CIVIL STATION, ANANDAVALLEESWARAM, KOLLAM, KERALA, PIN-691013.
6. REGIONAL TRANSPORT OFFICER, ENFORCEMENT NEAR ANANDAVALLEESWARAM TEMPLE, CIVIL STATION, ANANDAVALLEESWARAM, KOLLAM, KERALA, PIN-691013.
7. KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN FORT, PO THIRUVANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR, PIN-695023.

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to i. stay the operation and implementation of Exhibits P2 P5 and P8 penalty challans pending disposal of the Writ Petition (Civil) ii. restrain the Respondents and officials under them in detaining vehicles having a valid All India Tourist Permits on the strength of Exhibit P1 circular and from imposing penalty on the said vehicles alleging violation of section 66(1) of the Motor Vehicle Act, 1988 for the reason that the passengers in the vehicle are boarding alighting from different points enroute, pending disposal of the Writ Petition (Civil).

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI. M.R.SARIN, Advocate for the Petitioners, the court passed the following:

DINESH KUMAR SINGH, J.

W.P.(C.) No.39289 of 2023

Dated this the 24th day of November, 2023

ORDER

Sri. P.Santhosh Kumar, learned Special Government Pleader submits that though the petitioners' vehicles have all India tourist permit in effect, they are operating as stage carriage, in violation of the permit conditions. Therefore, he submits that the penalty challans had been issued to the petitioners for violating the all India tourist permit conditions.

2. On the other hand, learned counsel for the petitioners submits that similar matters are pending before this Court and this Court has granted interim orders.

3. All India tourist vehicles cannot be permitted to operate as stage carriage as it is detriment to the stage carriage operators including KSRTC. If the petitioners are violating the permit conditions, they are liable to be fined. The matter is seeking attention of this Court and therefore, as an interim basis it is provided that the petitioners should pay 50% of the challan amount and the remaining amount

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shall be subject to the outcome of the writ petition. The Authority will be free to take appropriate action, if they find the vehicles are operating in violation of the permit conditions.

Post along with W.P(C.) Nos.19537/2023, 38410/2023 and connected cases.

Sd/-

DINESH KUMAR SINGH
JUDGE



AP

APPENDIX OF WP(C) 39289/2023

- Exhibit P1** . TRUE COPY OF THE SAID CIRCULAR NO B1/31/2023
TRANSPORT ISSUED BY THE 1ST RESPONDENT DATED ON
06.06.2023
- Exhibit P1(a)** THE TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1
- Exhibit P2** TRUE COPY OF THE PENALTY CHALLAN NO KL63288231119080436
ISSUED BY THE MOTOR VEHICLE INSPECTOR UNDER THE 3TH
RESPONDENT DATED 19.11.2023
- Exhibit P3** TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE
NO NL01B 2690
- Exhibit P4** THE TRUE COPY OF THE ALL INDIA TOURIST PERMIT OF
VEHICLE NO NL01B 2690 DATED 14.07.2023
- Exhibit P5** TRUE COPY OF THE PENALTY CHALLAN NO KL47161231117064522
ISSUED BY THE MOTOR VEHICLE INSPECTOR UNDER THE 3RD
RESPONDENT DATED 17.11.2023
- Exhibit P6** TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE
NO NL 01B2432
- Exhibit P7** THE TRUE COPY OF THE ALL INDIA TOURIST PERMIT FOR THE
VEHICLE NO NL 01B2432 DATED 05.09.2023
- Exhibit P8** TRUE COPY OF THE PENALTY CHALLAN NO
KL173100231117065324 ISSUED BY THE MOTOR VEHICLE
INSPECTOR UNDER THE 4 RESPONDENT DATED 17.11.2023
- Exhibit P9** THE TRUE COPY OF THE INTERIM ORDER IN WP[C] NO 37551/
2023 OF THIS HONBLE HIGH COURT DATED ON 13.11.2023

