

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 695 (M/S) of 2012

Kishan Kumar Khanna S/o Sri Mam Chand
and others

-Petitioners

Versus
State of Uttarakhand through Secretary Transport
Govt. of Uttarakhand and others - Respondents

Mr. Gopal Narain, Advocate for the petitioners.
Mr. K.C. Tewari, Brief Holder on behalf of State.

[Hon'ble B.S. Verma, J. (Oral)]

Heard Mr. Gopal Narain, Advocate for the petitioners and Mr. K.C. Tewari, Brief Holder on behalf of the State/respondent.

By means of this petition the petitioners have sought a writ, order or direction in the nature of certiorari quashing the impugned order dated 9-4-2012 (Annexure No.2 to the writ petition), passed by respondent No.4 so far as it relates to the petitioners.

According to petitioners they are permanent stage carriage permit holders of the route Saharanpur-Barkot and allied route and Saharanpur Chakrata-Tuni and its allied route. Petitioners permits were expired as the same were granted for five years, consequently they applied for renewal of said permits which are still pending before State Transport Authority Dehradun for renewal and Section 87 of Motor Vehicles Act contemplates that the permit holder is entitled to get temporary permit during the pendency of renewal application. Vide impugned order dated 9-4-2012, the respondent No.4 has imposed a restriction that out of 32 permit holders only 25 percent permit holders are entitled to get temporary permit meaning thereby only eight persons were entitled to get temporary permit and the impugned order is in gross violation of Section 71(3) (a), 86 and 87 of the Motor Vehicle Act, inasmuch as the Act does not authorizes the respondent No.4 to pass such order, therefore, the impugned order is liable to be quashed.

The learned counsel for the petitioners has contended that Section 71 (3)(a) of Motor Vehicle Act only authorizes the Central Government to fix the numbers of permit on any route therefore the impugned order is without jurisdiction.

Section 71(3) (a) of the Motor Vehicle Act speaks only about stage carriage operating on city routes in towns with a population of not less than five lakhs and the permits to petitioners were granted on long routes and the provision of Section 71(3)(a) of the Act is not applicable over the routes of 'Char Dham Yatra'. Further the impugned order has been passed in the interest of public in general looking to the scarcity of vehicles on the various routes during 'Char Dham Yatra'.

The writ petition being devoid of merit is liable to be dismissed.

The writ petition is dismissed.

ISB

(B.S. Verma, J.)

30-04-2012