



2024:KER:68361

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 19537 OF 2023

PETITIONER:

SARATH G. NAIR,
AGED 48 YEARS
S/O V.S GOPALAKRISHNAN NAIR,
SURYA HOUSE, KALLUNGAL LANE,
ALUVA EAST P.O, ALUVA, PIN - 683101

BY ADVS.
THOMAS T.VARGHESE
PHILIP T.VARGHESE
ACHU SUBHA ABRAHAM
K.R.MONISHA
V.T.LITHA

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE TRANSPORT COMMISSIONER,
VANCHIYOOR, THIRUVANANTHAPURAM,
PIN - 695035



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 2 :

3 THE REGIONAL TRANSPORT OFFICER,
KAKKANAD, ERNAKULAM,
PIN - 682030

4 THE REGIONAL TRANSPORT OFFICER ,
ENFORCEMENT, KAKKANAD,
ERNAKULAM, PIN - 682030

*ADDL R5 KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT P.O,
THIRUVANANTHAPURAM,

*(ADDITIONAL 5TH RESPONDENT IS IMPLEADED AS PER
ORDER DATED 10/11/2023 IN IA.2/2023)

BY ADVS.

SRI.P.C.CHACKO (PARATHANAM)

SRI.DEEPU THANKAN, STANDING COUNSEL, KSRTC

SRI.P.SANTHOSH KUMAR, SPL.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19.02.2024, ALONG WITH WP(C).32419/2023, 4555/2024 AND
CONNECTED CASES, THE COURT ON 10.09.2024 DAY DELIVERED
THE FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 3 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 32419 OF 2023

PETITIONER:

D.SANTHOSH KUMAR,
AGED 65 YEARS,
S/O V. DAMODARAN, RITA NIVAS,
KANAKAKUNNU LANE, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM, PIN - 695033

BY ADVS.
P.DEEPAK
NAZRIN BANU

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
TRANSPORT BHAVAN-1, PARLIAMENT STREET,
NEW DELHI, PIN - 110001
- 2 MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
TRANSPORT BHAVAN-1
PARLIAMENT STREET, NEW DELHI,
(REPRESENTED BY ITS SECRETARY), PIN - 110001
- 3 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 4 :

4 THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM, PIN - 695023

5 THE TRANSPORT COMMISSIONER
TRANSPORT COMMISSIONERATE, 2ND FLOOR,
TRANS TOWERS, VAZHUTHACAUD,
THYCAUD P.O, THIRUVANANTHAPURAM,
PIN - 695014

*ADDL R6 KISHORE.K,
AGED 42 YEARS,
S/O.SASIDHARAN.K, KAILAS PALAZHI PALA,
GURUVAYURAPPAN COLLEGE, KOZHIKODE,
REPRESENTED BY POWER OF ATTORNEY BABY GIRISH,
AGED 49 YEARS, S/O.LATE JOSEPH,
RESIDING AT PARAYIL,
CHERADIVALIYAVEETTIL HOUSE, EDAMARUKU.P.O.,
MELUKAVU, KOTTAYAM.

*(ADDITIONAL 6TH RESPONDENT IS IMPLEADED AS PER
ORDER DATED 31.01.2024 IN I.A.NO.1 OF 2023)

BY ADVS.
SRI.C.DINESH, CGC-R1& R2
SRI.DEEPU THANKAN-R4
SMT.P.K.PRIYA-ADDL.R6
SRI.P.SANTHOSH KUMAR, SPL.GOVERNMENT PLEADER
UMMUL FIDA(K/954/2013)
LAKSHMI SREEDHAR(K/946/2016)
LEKSHMI P. NAIR(K/001011/2017)
NAMITHA K.M. (K/001556/2021)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 19.02.2024 ALONG WITH WP(C).19537/2023 AND
CONNECTED CASES, THE COURT ON 10.09.2024 DELIVERED THE
FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 5 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 37551 OF 2023

PETITIONER:

E.N. GOPAKUMAR,
AGED 52 YEARS
S/O NARAYANAN, MANAGING PARTNER,
M/S. ESSEN ENGINEERING WORKS, V/55B,
12/71, PALISSERY, THRISSUR DISTRICT,
RESIDING AT EDATHIPARAMBIL HOUSE,
PALISSERY, ANNAMANADA.P.O.,
THRISSUR DISTRICT, PIN - 680741

BY ADV O.D.SIVADAS

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE TRANSPORT COMMISSIONER,
MOTOR VEHICLE DEPARTMENT, TRANS TOWER,
VAZHUTHACAUD, THIRUVANANTHAPURAM,
PIN - 695014
- 3 THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, ERNAKULAM,
PIN - 682030
- 4 THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, THRISSUR,
PIN - 680001



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 6 :

5 THE REGIONAL TRANSPORT OFFICER,
(ENFORCEMENT), CIVIL STATION,
ERNAKULAM, PIN - 682030

BY SRI. P. SANTHOSH KUMAR, SPL. GOVERNMENT
PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19.02.2024 ALONG WITH WP(C).19537/2023 AND CONNECTED
CASES, THE COURT ON 10.09.2024 DELIVERED THE FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 7 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP (C) NO. 37980 OF 2023

PETITIONER:

K. R. SURESH KUMAR
AGED 54 YEARS
S/O RAMAKRISHNAN,
PROPRIETOR, M/S. KALLADA TOURS AND TRAVELS,
A SECTOR, NEAR NATIONAL CINEMA HALL,
PO/PS, PAPUM PARA, ARUNACHAL PRADESH,
HAVING THEIR REGISTERED OFFICE AT NO.14 HOSUR
MAIN ROAD, NEAR MADIVALA,
BANGALORE, KARNATAKA STATE, PIN - 560068

BY ADVS.
G. HARIHARAN
PRAVEEN. H.
K. S. SMITHA
B. R. SINDU
V. R. SANJEEV KUMAR

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, TRANSPORT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 TRANSPORT COMMISSIONER,
TRANS TOWERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM DISTRICT, PIN - 695001



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 8 :

- 3 REGIONAL TRANSPORT OFFICER (ENFORCEMENT) ,
2ND FLOOR, BSNL TELEPHONE EXCHANGE,
BUILDING, OLLUR, TRISSUR DISTRICT,
PIN - 680306
- 4 REGIONAL TRANSPORT OFFICE (ENFORCEMENT) ,
MAVELIPURAM, 2ND SEAPORT AIRPORT ROAD,
KAKKANAD P.O. , ERNAKULAM DISTRICT,
PIN - 682030
- 5 REGIONAL TRANSPORT OFFICER (ENFORCEMENT) ,
1ST FLOOR, M/S VIJAYA COFEE CURING WORKS, WARD
NO.III, DOOR NO.189, KAINATTY, WAYANAD AT
KALPETTA, PIN - 673121
- 6 REGIONAL TRANSPORT OFFICER (ENFORCEMENT) ,
MINI CIVIL STATION, KOTTARAKKARA,
KOLLAM DISTRICT, PIN - 691506
- 7 REGIONAL TRANSPORT OFFICER (ENFORCEMENT) ,
PONMANGAL TOWER, THELLAKAM P.O. ,
KOTTAYAM DISTRICT, PIN - 686630
- 8 UNION OF INDIA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS,
GOVERNMENT OF INDIA, SANSAD MARG,
NEW DELHI, PIN - 110001

BY ADVS.
SRI.P.SANTHOSH KUMAR, SPL. GOVERNMENT PLEADER
SRI.S.MANU, DSGI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 19.02.2024 ALONG WITH WP(C).19537/2023 AND
CONNECTED CASES, THE COURT ON 10.09.2024 DELIVERED THE
FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 9 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 38261 OF 2023

PETITIONER:

KISHORE K. ,
AGED 42 YEARS
S/O. SASIDHARAN K. , KALLAS PALAZHI PALA,
GURUVAYURAPPAN COLLEGE, KOZHIKODE,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
BABY GIRISH, AGED 49 YEARS,
PARAYIL CHERADIVALIYAVEETIL,
EDAMARUKU P.O. , MELUKAVU,
KOTTAYAM, PIN - 686652

BY ADV
P.K.PRIYA

RESPONDENTS:

- 1 THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN -1,
PARLIAMENT STREET, NEW DELHI, PIN- 110 001.
- 2 MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW
DELHI, REPRESENTED BY SECRETARY, PIN - 110 001.
- 3 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 10 :

4 THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, 2ND FLOOR,
TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O.,
THIRUVANANTHAPURAM, PIN - 695 014.

5 THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE,
PATHANAMTHITTA, PIN - 689 645.

6 THE MOTOR VEHICLES INSPECTOR,
SUB REGIONAL TRANSPORT OFFICER, RANNI,
PATHANAMTHITTA, PIN - 689 645.

*ADDL.7 KERALA STATE ROAD TRANSPORT CORPORATION (KSRTC),
REPRESENTED BY ITS MANAGING DIRECTOR,
OFFICE OF MANAGING DIRECTOR, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM, PIN - 695 230.
REPRESENTED BY DEPUTY LAW OFFICER.

*[ADDITIONAL 7TH RESPONDENT IS IMPEADED AS PER
ORDER DATED 10.09.2024 IN I.A.NO.1 OF 2023 IN
W.P. (C) No.38261 OF 2023]

BY ADVS.
SHRI.VISHNU PRADEEP, CENTRAL GOVERNMENT COUNSEL
DEEPU THANKAN
P.SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER
(INDUSTRIES)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 19.02.2024, ALONG WITH WP(C).19537/2023 AND
CONNECTED CASES, THE COURT ON 10.09.2024 DELIVERED THE
FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 11 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 38410 OF 2023

PETITIONER:

KERALA STATE ROAD TRANSPORT CORPORATION (KSRTC),
THROUGH ITS CHAIRMAN & MANAGING DIRECTOR
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS DEPUTY LAW OFFICER,
PIN - 695023

BY ADVS.
DEEPU THANKAN
UMMUL FIDA
LAKSHMI SREEDHAR
LEKSHMI P. NAIR
NAMITHA K.M.

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
TRANSPORT BHAWAN, PARLIAMENT STREET,
NEW DELHI, PIN - 110001.
- 2 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONERATE, 2ND FLOOR,
TRANS TOWER, CV RAMAN PILLAI ROAD, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695014



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 12 :

*ADDL.4 KISHORE K. ,
S/O.SASIDHARAN.K,
KAILAS PALAZHI PALA,
GURUVAYURAPPAN COLLEGE,
KOZHIKODE,
REPRESENTED BY POWER OF ATTORNEY BABY GIRISH,
AGED 49 YEARS, S/O.LATE JOSEPH,
RESIDING AT PARAYIL,
CHERADIVALIYAVEETTIL HOUSE,
EDAMARUKU.P.O. , MELUKAVU,
KOTTAYAM.

*(ADDITIONAL 4TH RESPONDENT IS IMPLEADED AS PER
ORDER DATED 31.01.2024 IN I.A.NO.1 OF 2023)

BY ADVS.
SRI.KRISHNA T.C. , SCGC
SMT.PRIYA P.K.
SRI.P.SANTHOSH KUMAR, SPL.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19.02.2024, ALONG WITH WP(C).19537/2023 AND CONNECTED
CASES, THE COURT ON 10.09.2024 DELIVERED THE FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 13 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 39289 OF 2023

PETITIONERS:

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

BY ADV. M.R.SARIN

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,



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 14 :

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 P.O.,
THIRUVANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR,
PIN - 695023

BY ADVS.
SRI.P.SANTHOSH KUMAR, SPL.GOVERNMENT PLEADER
SRI.DEEPUN THAKKAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19.02.2024, ALONG WITH WP(C).19537/2023 AND CONNECTED
CASES, THE COURT ON 10.09.2024 DELIVERED THE FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 15 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 42719 OF 2023

PETITIONER:

KISHORE K. ,
AGED 42 YEARS,
S/O.SASIDHARAN.K, KAILAS PALAZHI PALA,
GURUVAYURAPPAN COLLEGE, KOZHIKODE,
REPRESENTED BY POWER OF ATTORNEY BABY GIRISH,
AGED 49 YEARS, S/O.LATE JOSEPH,
RESIDING AT PARAYIL,
CHERADIVALIYAVEETTIL HOUSE,
EDAMARUKU.P.O. , MELUKAVU,
KOTTAYAM. , PIN - 686652

BY ADV P.K.PRIYA

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
TRANSPORT BHAVAN-1, PARLIAMENT STREET,
NEW DELHI. , PIN - 110001
- 2 MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
TRANSPORT BHAVAN-1,
PARLIAMENT STREET,
NEW DELHI, PIN - 110001,
REPRESENTED BY ITS SECRETARY.
- 3 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 16 :

- 4 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 5 THE TRANSPORT COMMISSIONER & CHAIRMAN,
STATE TRANSPORT AUTHORITY (STA),
TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRANS
TOWERS, VAZHUTHACAUD, THYCAUD.P.O.,
THIRUVANANTHAPURAM., PIN - 695014
- 6 STATE TRANSPORT AUTHORITY,
KERALA STATE
REPRESENTED BY ITS SECRETARY, TRANS TOWERS,
VAZHUTHACAUD, THYCAUD.P.O.,
THIRUVANANTHAPURAM., PIN - 695014
- 7 THE JOINT TRANSPORT COMMISSIONER & SECRETARY,
STATE TRANSPORT AUTHORITY (STA), TRANS TOWERS,
VAZHUTHACAUD, THYCAUD.P.O.,
THIRUVANANTHAPURAM., PIN - 695014
- 8 THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE,
PATHANAMTHITTA., PIN - 689645
- 9 THE REGIONAL TRANSPORT OFFICER (ENFORCEMENT)
CIVIL LANE, CIVIL STATION, THIRUVALLA.P.O.,
PATHANAMTHITTA., PIN - 689101
- 10 THE REGIONAL TRANSPORT OFFICER,
KOZHIKODE
GROUND FLOOR, CIVIL STATION,
ERANHIPALAM, KOZHIKODE., PIN - 673020
- 11 THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM
2ND FLOOR, CIVIL STATION, KAKKANAD,
VAZHAKKALA, KOCHI, PIN - 682030
- 12 THE REGIONAL TRANSPORT OFFICER (ENFORCEMENT),
THRISSUR,
OLLUR INDUSTRIAL ESTATE, OLLUR,
THRISSUR, PIN - 680306



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 17 :

- 13 THE SUB REGIONAL TRANSPORT OFFICER,
PERUMBAVOOR,
MUNICIPAL SHOPPING COMPLEX BUILDING,
PATTAL, IRINGOLE.P.O., PIN - 683545
- 14 THE REGIONAL TRANSPORT OFFICER, PALAKKAD
KENATHUPARAMBU, KUNATHURMEDU,
PALAKKAD, PIN - 678001
- 15 THE REGIONAL TRANSPORT OFFICER, KOTTAYAM
COLLECTORATE, KOTTAYAM, PIN - 686002
- 16 THE MOTOR VEHICLES INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, RANNI,
PATHANAMTHITTA., PIN - 689645
- 17 KERALA STATE ROAD TRANSPORT CORPORATION,
THROUGH ITS CHAIRMAN AND MANAGING DIRECTOR,
TRANSPORT BHAVAN, EAST FORT,
THIRUVANANTHAPURAM., PIN - 695023
- 18 DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
PATHANAMTHITTA., PIN - 689645.

*ADDL.19 ALOSIOUS.P.J.,
AGED 68 YEARS,
S/O.LATE JOSEPH,
POONATT HOUSE, AVOLI.P.O.,
MUVATTUPUZHA, PIN-686670.

(ADDITIONAL 19TH RESPONDENT IS IMPLEADED AS PER
ORDER DATED 10.09.2024 IN I.A.NO.1 OF 2024)

BY ADVS.
SRI.SREEVALSAN
SRI.DEEPU THANKAN, SC
SRI.SANTHOSH KUMAR, SPL. GOVERNMENT PLEADER
SRI.S.MANU, DSGI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19.02.2024, ALONG WITH WP(C).19537/2023 AND CONNECTED
CASES, THE COURT ON 10.09.2024 DELIVERED THE FOLLOWING:



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 18 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024/19TH BHADRA, 1946

WP(C) NO. 4555 OF 2024

PETITIONER:

ROHITH M.R. ,
AGED 24 YEARS,
S/O. MOHANDAS K. , RAMANILAYAM,
PAZHUPATHOOR P.O, KIDANGANAD,
WAYANAD, PIN - 673592

BY ADVS.
THOMAS T.VARGHESE
PHILIP T.VARGHESE
ACHU SUBHA ABRAHAM
V.T.LITHA
K.R.MONISHA
JIJO PAUL

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
TRANSPORT DEPARTMENT,
GOVERNMENT OF KERALA,
SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE TRANSPORT COMMISSIONER,
VANCHIYOOR,
THIRUVANANTHAPURAM, PIN - 695035
- 3 THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, KELPETTA,
WAYANAD, PIN - 673121



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
: 19 :

4 THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, KELPETTA,
ENFORCEMENT, WAYANAD, PIN - 673121

5 THE ASSISTANT MOTOR VEHICLES INSPECTOR,
THE REGIONAL TRANSPORT OFFICE,
ENFORCEMENT, WAYANAD, PIN - 673121

BY SRI.P.SANTHOSH KUMAR, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 19.02.2024, ALONG WITH WP(C).19537/2023 AND
CONNECTED CASES, THE COURT ON 10.09.2024 DELIVERED THE
FOLLOWING:



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CR

N. NAGARESH, J.

.....
W.P.(C) Nos.19537, 32419, 37551, 37980, 38261,
38410, 39289 and 42719 of 2023 and 4555 of 2024

.....
Dated this the 10th day of September, 2024

J U D G M E N T

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W.P.(C) Nos.19537, 37551, 37980, 38261,
39289 and 42719 of 2023 and 4555 of 2024 are filed by
Tourist Vehicle Operators. The petitioners seek to declare
that the Circular No.B1/31/2023-Trans dated 06.06.2023
issued by the Transport (B) Department, Government of
Kerala does not apply to vehicles having All India Tourist
Permit and to restrain the respondents from imposing penalty
on All India Permit Vehicles alleging violation of the Circular
dated 06.06.2023 and Section 66(1) of the Motor Vehicles Act,
1988.



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2. W.P.(C) No.32419/2023 has been filed by a Stage Carriage Operator. The petitioner seeks to direct the officers under the Motor Vehicles Department of the State of Kerala to take effective measures to ensure that the Tourist Vehicles issued with All India Tourist Permit under the All India Tourist Vehicles (Permit) Rules, 2023 are not operated as Stage Carriages by transporting tourists individually on the basis of separate fares paid proportionate to the distance travelled by them. The petitioner also seeks to declare that Rule 6(2) and Rule 10 of the All India Tourist Vehicles (Permit) Rules is ultravires the Motor Vehicles Act, 1988.

3. W.P.(C) No.38410/2023 has been filed by the Kerala State Road Transport Corporation (KSRTC), a State Transport Undertaking established under Section 3 of the Road Transport Corporation Act, 1950, seeking to declare that Rules 6(2), 10(1) and 13(1) of the All India Tourist Vehicles (Permit) Rules, 2023 as ultravires and to direct the Transport Commissioner to take appropriate steps against the



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operation of All India Tourist Permit Vehicles through the Nationalised Routes / Sector and Scheme covered area / route formulated under Chapter VI of the Motor Vehicles Act. The petitioner-KSRTC also seeks to declare that the All India Tourist Permit Vehicles holding permit under the All India Tourist Vehicles (Permit) Rules, 2023 cannot operate through the Nationalised Routes / Sector and Scheme covered area / route formulated under Chapter VI of the Motor Vehicles Act.

4. The petitioner in W.P.(C) No.19537/2023 is the owner of nine All India Permit Vehicles registered in Kerala. The petitioner is operating Inter-state Bus services daily, mainly to and from Ernakulam to Bengaluru and Ernakulam to Chennai. Bookings for these bus services are done online. The 1st respondent issued a Circular dated 06.06.2023 regarding Contract Carriages unauthorisedly operating as Stage Carriages within the State of Kerala, adversely affecting the revenue of KSRTC and has directed to take immediate action against the violators.



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5. The petitioner states that though the buses are run to and from Ernakulam to Bengaluru and Ernakulam to Chennai, all passengers do not board on the buses at the starting point and get down at the terminal point. For the sake of convenience of the passengers, they are permitted to board the buses at certain specified boarding points in the starting City and are permitted to get down from the buses at certain specified disembarking points.

6. According to the petitioner, this is permissible for the vehicles having All India Tourist Permit, in view of Rules 6 and 10 of the Motor Vehicles Rules. However, the vehicles of the petitioner are intercepted by the respondents alleging violation of the Circular dated 06.06.2023 and imposing penalty.

7. The petitioner in W.P.(C) No.37551/2023 has four buses which are used for tourist purposes. The buses have All India Tourist Permits. The petitioner would urge that the Circular dated 06.06.2023 relates to illegal operation of



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Contract Carriage services in violation of the provisions of the Motor Vehicles Act and the Rules. The vehicles of the petitioner are covered by All India Tourist Permits and are not Private Contract Carriages. Coercive proceedings taken by the respondents against the petitioner's vehicles by treating them as Contract Carriages, are not permissible. The Circular dated 06.06.2023 cannot be used to interdict the vehicles covered by All India Tourist Permits. The petitioners in W.P. (C) Nos.37980/2023, 38261/2023, 39289/2023, 42719/2023 and 4555/2024 are all similarly situated operators of All India Tourist Vehicles.

8. W.P.(C) No.32419/2023 has been filed by a Stage Carriage operator conducting service on the strength of Stage Carriage permit issued under the provisions of Chapter V of the Motor Vehicles Act, 1988. The petitioner states that a Tourist Vehicle cannot operate as a Stage Carriage and if it is so found, such vehicle is liable to be seized and detained under Section 207 of the Motor Vehicles Act. However, a



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substantial proportion of the Tourist Vehicle operators who have applied for and obtained All India Tourist Permits under the Rules, 2023 are using or allowing their Tourist Vehicles to be operated as Stage Carriages to the manifest prejudice of persons like the petitioner, who holds Stage Carriage permits issued by the authorities.

9. W.P.(C) No.38410/2023 has been filed by the Kerala State Road Transport Corporation (KSRTC). The KSRTC submits that the Corporation holds Stage Carriage permits issued by the Regional Transport Authorities. The Motor Vehicles Act provides for two types of permits for Public Service Vehicles, Contract Carriage permit and Stage Carriage permit. According to the KSRTC, a Contract Carriage operates when a transport vehicle is hired for a fixed or agreed upon sum under an express or implied contract with a passenger or group of passengers from one point to another or on a time basis, regardless of the route, and without stopping to pick up or drop off passengers not included in the



contract along the way.

10. In the case of Stage Carriages, a transport vehicle is not hired as a whole, and individual passengers pay separate fares for either the entire journey or specific stages. The restrictions associated with Contract Carriages, such as the fixed sum arrangement and the journey between two points without the right to pick up or set down passengers enroute, do not apply to Stage Carriages.

11. The KSRTC alleges that after coming into force of the All India Tourist Vehicles (Permit) Rules, 2023, many Tourist Vehicle operators have obtained All India Tourist Permits and have been operating their Contract Carriages as Stage Carriages on the argument that Rule 6(2), Rule 10(1) and Rule 13(1) of the Rules, 2023 enable the operators with All India Tourist Permits to enter into individual contracts with the passengers and therefore can pick up and drop passengers enroute. Such Tourist Buses are operated like Stage Carriages with regular daily trips on specified routes



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with destination boards and often advertising through social media. Such action is completely against Chapter VI of the Motor Vehicles Act which is having an overriding effect over the provisions in Chapter V and the Rules made thereunder.

12. The KSRTC therefore seeks to declare that Rule 6(2) of the All India Tourist Vehicles (Permit) Rules, 2023 is ultravires Section 2(7) read with Section 2(43) of the Motor Vehicles Act, 1988 insofar as it permits use of an All India Tourist Permits for transportation of tourists individually. The KSRTC also seeks to declare that Rule 10(1) of the Rules, 2023 is ultravires Section 2(7) read with Section 2(43) of the Motor Vehicles Act, 1988 insofar as it permits to enter into individual contracts with the passengers with separate purpose and destination. The KSRTC also seeks to declare that Rule 13(1) of the Rules, 2023 is ultravires Section 2(7) read with Section 2(43) insofar as it exempts All India Tourist Permit holders from adhering to the conditions prescribed in the Central Motor Vehicles Rules, 1989 to not operate as a



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Stage Carriage.

13. The question arising for consideration in these writ petitions is whether vehicles holding All India Tourist Permit issued under the All India Tourist Vehicles (Permit) Rules, 2023 can run services picking and dropping passengers enroute their journey. The Stage Carriage Operators including the KSRTC would urge that such operators of All India Tourist Permit Vehicles cannot run their services like Stage Carriages, picking passengers at various stages of journey and dropping passengers at various points. The KSRTC would further urge that the All India Tourist Permit Operators cannot operate through nationalised sector / scheme covered area / route formulated under Chapter VI of the Motor Vehicles Act. The KSRTC would further assert that there is restriction on grant of permit to any person in respect of a notified area or a notified route by the authorities except in accordance with the Scheme framed thereunder.



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14. The incident that gave rise to filing of these writ petitions, is issuance of Circular No.B1/31/2023-Trans dated 06.06.2023 by the Secretary to the Transport Department, Government of Kerala. The Circular stated that various Contract Carriages plying within the State of Kerala are unauthorisedly operating as Stage Carriages, that this adversely affects the revenue of KSRTC and that the Regional Transport Officers / Motor Transport Vehicle Officials should take immediate action against the violators. The said Circular dated 06.06.2023 directed the Transport Commissioner to submit a review report within one month. On the basis of the Circular, the respondents issued memos to various Tourist Vehicle Operators alleging operation of service in violation of the provisions of the Motor Vehicles Act especially with respect to the conditions and purposes for which permit is granted under Section 66(1) of the Motor Vehicles Act, 1988. Along with memos, challans were also issued on the Tourist Vehicle operators imposing penalty.



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15. I have heard the learned counsel for the petitioners who are Tourist Vehicle Operators, the learned Standing Counsel appearing for the KSRTC and the learned counsel appearing for the petitioner in W.P.(C) No.32419/2023. I have also heard the Special Government Pleader (Industries) Sri. P. Santhosh Kumar and the learned Deputy Solicitor General of India Sri. S. Manu.

16. Section 2(7) of the Motor Vehicles Act, 1988 defines a “Contract Carriage” as follows:

“Contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum -

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another,

and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes -

(i) a maxicab; and

(ii) a motor cab notwithstanding that separate fares are charged for its passengers;.



The definition would indicate that a Contract Carriage can be engaged on a time basis, whether or not with reference to any route or distance; or from one point to another. In either case, the contract for service should be without stopping to pick up or set down passengers not included in the contract anywhere during the journey.

17. Section 2(40) defines the term “Stage Carriage” to mean a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stage of the journey. It is therefore evident that a Stage Carriage can levy separate fares from individual passengers either for the whole journey or for stages of the journey, which in turn would necessarily indicate that a Stage Carriage can pick up or set down passengers enroute.

18. The term “Tourist Vehicle” is defined in Section 2(43) of the Act to mean a Contract Carriage,



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constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf.

19. The Ministry of Road Transport and Highways, Government of India, as per GSR 302(E) dated 18.04.2023, has framed the All India Tourist Vehicles (Permit) Rules, 2023 (hereinafter referred to as 'the Rules, 2023'). Rule 2(d) provides that the term "Tourist Vehicle" shall have the same meaning as assigned to them in Section 2(43) of the Act. As per Rule 2(e), "Tourist Vehicle operator" means a person who owns a tourist vehicle in respect of which an All India Tourist Permit is issued under these Rules.

20. Rule 6 of the Rules, 2023 gives the scope and validity of permit. Rule 6 provides that All India Tourist Permits shall be valid through out the territory of India and an All India Tourist Permit shall be used for transport of tourists individually or in a group, along with their personal luggage. Rule 10 mandates that a Tourist Vehicle plying under the All



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India Tourist Permit shall at all times carry a list of tourists in electronic form or in physical form, which shall contain the details of origin and destination of each tourist and Tourist Vehicle operator shall maintain record electronically, of the tourists, including journey details, for a minimum period of one year.

21. It is evident from Sections 2(7) and 2(40) of the Motor Vehicles Act that a Contract Carriage is a transport vehicle hired for a fixed or agreed upon sum under an express or implied contract with a passenger or group of passengers to be transported from one point to another or on a time basis, regardless of the route, and without stopping to pick up or drop off passengers not included in the contract along the way. A Stage Carriage is a transport vehicle not hired as a whole, and individual passengers may pay separate fares for either the entire journey or specific stages. The restrictions associated with Contract Carriage as regards fixed sum arrangements and the journey between two points without the



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right to pick up or set down passengers enroute, do not apply to Stage Carriages.

22. The essential difference between a Stage Carriage and a Contract Carriage permit is that while a Stage Carriage run as a regular bus service for passengers where the entire route is split up in various “stages” till the destination point, in the case of a Contract Carriage, a route is defined from one destination to another destination. A Contract Carriage is not expected to run as a daily carriage service as it is based on a prior contract between an operator and a passenger/passengers to ply from one destination to another destination.

23. Section 88(9) of the Motor Vehicles Act provides that subject to any Rules that may be made by the Central Government under Section 88(14), any State Transport Authority may, for the purpose of promoting tourism, grant permits in respect of Tourist Vehicles valid for the whole of India, or in such contiguous stages not being less than



three in number including the State in which the permit is issued. A Tourist Vehicle therefore remains solely as a Contract Carriage under the Rules, 2023 and a permit issued under Section 88(9) does not give authorisation to a Tourist Vehicle possessing All India Tourist Permits to be operated as a Stage Carriage. A Tourist Vehicle can only function as a Contract Carriage and cannot operate as a Stage Carriage.

24. It is evident from the provisions of the Motor Vehicles Act and the Rules made thereunder that Stage Carriages are intended to meet the needs of the general public travelling from one destination to different destinations with varying purposes and Contract Carriages are intended for those who want to hire a public service vehicle for their transportation from one destination to another destination. All India Tourist Permit Vehicles are contract carriages.

25. The Hon'ble Apex Court in the judgment in ***Roshanlal Gautam v. State of Uttar Pradesh and others*** [AIR 1965 SC 991] held that a Contract Carriage is engaged



for the whole of the journey between two points for carriage of a person or persons hiring it but it does not have the right to pick up other passengers enroute. A Stage Carriage on the other hand, runs between two points irrespective of any prior contract and it is boarded by passengers enroute who pay the fare for the distance they propose to travel.

26. In the judgment in ***Brijendra Kumar Chaudhari and another v. State of U.P. and others*** [(1992) 4 SCC 703], the Apex Court held that in respect of a service by a Contract Carriage, there must be a prior contract expressed or implied; that the contract must indicate as to who are the passengers to be carried; that the contract shall have been entered into by a person with the holder of the permit or any person authorised by him; and that the engagement under a contract is for use of the vehicle as a whole. The Apex Court held that a Stage Carriage is intended to meet the requirements of the general travelling public and a Contract Carriage is for those who want to hire the vehicle collectively



or individually for a group or party for their transport from place to place and the whole vehicle is at their disposal.

27. While considering the scope and ambit of the All India Tourist Vehicles (Permit) rules, 2023, it is to be noted that the term 'Tour' or 'Tourist' has not been defined in the Motor Vehicles Act, 1988 or in any Rules made thereunder. As per Cambridge Dictionary, 'Tour' means 'a visit to a place or area, especially one during which you look around the place or area and learn about it'. Another meaning assigned to the word is 'a journey made for pleasure, especially as a holiday, visiting several different places in an area'. The word 'Tourist' means 'someone who visits a place for pleasure and interest, usually while on holiday'.

28. By passage of time, the word 'Tour' has gained wider connotations. Believers visiting religious places of worship, is Pilgrimage Tourism. Students visiting workshops and factories, is Study Tour. Travel of businessmen for their official purpose, can be Business Tour. Trekking mountains is



Adventure Tourism. Visiting seashores can be Beach Tourism. Travel to watch animals in any Forest Sanctuary is Wildlife Tourism. Visiting virgin environments is Eco Tourism. Politicians and social workers undertake Organizational Tours. Shopping Tourism is another addition to the Tourism Sector, involving even international journeys. Attending weddings at times can also be called a Tour in this era of Destination Weddings. Even going to hospitals for treatment at far away places is Medical Tourism. Thus, almost every journey, other than one routinely undertaken by people for domestic or avocation purposes, may fall within the ambit of the term Tour, making the persons travelling Tourists. The term 'Tourist Vehicle' as contained in the Motor Vehicles Act should be understood in this modern context.

29. The All India Tourist Vehicles (Permit) Rules, 2023 do not define the term 'Tour' or 'Tourist'. The term 'Tourist Vehicle' is defined to have the same meaning as assigned to them in Section 2(43) of the Motor Vehicles Act.



Section 2(43) of the Motor Vehicles Act, 1988 states that 'Tourist Vehicle' means a Contract Carriage constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf. Therefore, a Tourist Vehicle is essentially a Contract Carriage. The prime distinction between Contract Carriage and a Tourist Vehicle is in construction, adaptation, equipments and maintenance of the vehicle. On other scores, a Tourist Vehicle is a Contract Carriage.

30. A Contract Carriage is a motor vehicle, which carries a passenger or passengers for hire or reward, and is engaged under a contract, whether expressed or implied, for the use of such vehicles as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to vehicle or any person authorised by him in this behalf on a fixed or an agreed rate of sum on a time basis or from one point to another. In either case, the journey should be without stopping to pick up or set



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down passengers, not included in the contract, anywhere during the journey.

31. The essential difference between a Contract Carriage and a Stage Carriage is that in the former there is a contract between the passenger or passengers for the use of the vehicle as a whole for a fixed or agreed sum, while in the latter there is absence of such a contract and the passengers board the Bus enroute and pay the fare for the distance they propose to travel. The Hon'ble Apex Court in the judgment in ***Brijendra Kumar Chaudhari and another*** (supra) held that a contract carriage is engaged for the whole of the journey between two points for carriage of a person or persons hiring it, but it has no right to pick up other passengers enroute.

32. Thus, a transport vehicle is a Contract Carriage when the vehicle as a whole is hired for a fixed or agreed sum under a contract expressed or implied by a passenger or passengers from one point to another or on a time basis, whether or not with reference to any route, and in



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either case without stopping to pick up or set down along the line of route Passengers not included in the contract. It was so held in the judgment of this Court in ***Sunilraj v. State of Kerala [2019 (2) KLT 211]***.

33. Under Section 2(7), whether the prohibition of picking up or setting down passengers enroute would apply only to those who are not included in the contract? Whether a person who enters into a contract with the Contract Carriage operator can demand that a particular passenger or named passengers, who are included as passengers in the contract, shall be picked up or set down enroute the journey?

34. Before answering the afore questions, one should consider the fact whether those who are travelling in a Contract Carriage shall share a common purpose. ***State of Andhra Pradesh and others v. B. Noorulla Khan and others [(2004) 6 SCC 194]*** was a case where a Division Bench of the Hon'ble High Court of Andhra Pradesh took a view that common purpose means that the passengers



travelling together need to have the common intention to travel to a common destination, but they need not share the common intention of travelling for the same purpose as well. The Hon'ble Apex Court in **B. Noorulla Khan** (supra) held that the view taken by the High Court of Andhra Pradesh runs counter to the law laid down by the Apex Court in **Brijendra Kumar Chaudhary and another** (supra) and **Nirmala Jagdish Chandra Kabra v. Transport Commissioner and others** [(1997) 9 SCC 227]. The Hon'ble Apex Court held that Passengers travelling in a Contract Carriage under a contract should not only have the intention of travelling to the same destination, but should also have the common purpose of travelling as well.

35. Section 2(7) which defines Contract Carriage states that the journey of Contract Carriage should be without stopping to pick up or set down passengers not included in the contract anywhere during the journey. The words “**passengers not included in the contract**” would indicate



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that as far as those passengers who are included in the contract are concerned, they can be picked up enroute and set down at the common destination, and if it is a return journey, they can be picked up from the common destination point and set down enroute during return journey.

36. In ***Roshanlal Gautam*** (supra), the Apex Court held that the distinction between a Contract Carriage and Stage Carriage is that the Contract Carriage is engaged for the whole of the journey between two points for carriage of a person or persons hiring it, but it has no right to pick up **other passengers**, enroute.

37. In the judgment in ***Brijendra Kumar Chaudhary*** (supra), the Apex Court again held that a Contract Carriage is engaged for the whole of the journey between two points for carriage of a person or persons hiring it, but it has no right to pick up **other passengers** enroute. (Emphasis supplied).



38. It is obvious from Section 2(7) and the judgments of the Hon'ble Apex Court that in the case of a Contract Carriage, persons who are included in the contract can be picked up and set down enroute, provided the destination/s and purpose of journey of all those who are included in the contract is one and the same. A Tourist Vehicle having registration under the All India Tourist Vehicles (Permit) Rules, 2023 being a Contract Carriage as per Section 2(43), the aforesaid conditions will apply to Tourist Vehicles also.

39. In the case of a Stage Carriage, a passenger enters into a contract of adhesion, the moment he enters the bus at any stage of the Stage Carriage journey and buys a ticket. Contract Carriages and Tourist Vehicles, on the other hand, run on the basis of prior contracts entered into by a person or group of persons with the Contract Carriage/ Tourist Vehicle Operator. This is evident from Section 2(7) and Section 2(43) of the Motor Vehicles Act. Section 2(7)



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contemplates that there should be a prior contract and the Contract should have passengers mentioned therein.

40. Rule 10 of the All India Tourist Vehicles (Permit) Rules, 2023 provides that the vehicles plying as All India Tourist Permit, shall at all times carry a list of tourists in electronic form or in physical form, which shall contain the details of origin and the destination of each tourist. The Vehicles plying with All India Tourist Permit, should therefore have a list of passengers with details of each passenger as regards origin and the destination of each tourist. Necessarily, the list should be available before the start of each journey. Then there is no question of picking up or setting down **any other passenger** enroute.

41. The writ petitioners, who are Tourist Vehicle permit holders, would argue that Rule 6(2) of the Rules, 2023 allows transportation of tourists “individually” or “in a group” implying that Tourist Vehicle operators can enter into multiple contracts with different individuals for the same trip/journey.



The argument would fall down on a closer scrutiny of the legal provisions.

42. The Rules, 2023 are framed to issue All India Permits to Tourist Vehicles. Such permits can be granted to Contract Carriages including smaller vehicles with passenger capacity of less than five, where individual travel can be opted and a tourist can travel “individually”. As far as larger vehicles like buses, the travel can still be “individually” or “in a Group”. But, there cannot be multiple contracts with more than one individual nor there can be contracts with more than one Group. Rule 6 contemplates transportation of tourists individually or in “a group”. Either way, there cannot be multiple contracts for one journey, as the Apex Court has held in ***B. Noorulla Khan*** (supra) that Passengers travelling in a Contract Carriage under a contract should not only have the intention of travelling to the same destination, but should also have the common purpose of travelling as well. The said ratio will apply to All India Tourist Permit Vehicle also.



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43. The KSRTC has a further case that in view of Chapter VI of the Motor Vehicles Act, the Government can completely or partially exclude all other operators in notified areas/routes. In view of Section 104, where the Government has framed a Scheme with respect to any notified area or notified route, there is complete exclusion of operation of any other services through the notified area or the route other than as permitted under the Scheme. Therefore, Tourist Vehicles cannot be permitted to operate through nationalised routes, contends the Standing Counsel representing the KSRTC. It is true that as per Section 99 of the Motor Vehicles Act, in public interest, a State Government can formulate Scheme to exclude completely or partially private operators in any area or route. But, the KSRTC has no case that there exists any such Scheme whereunder operation of Tourist Vehicles is totally excluded. Therefore, the said legal ground urged by the KSRTC need not be answered in these writ petitions.



44. From the afore discussions and provisions of the Motor Vehicles Act and the All India Tourist Vehicles (Permit) Rules, 2023, the following propositions emerge:

(i) A Tourist Vehicle being a Contract Carriage, for transporting passengers there should be a prior contract by a passenger or a group of passengers for that carriage to be used as a whole, for a fixed or agreed sum.

(ii) A Tourist Vehicle Operator cannot enter into multiple contracts with more than one person or Group of persons. The persons travelling should not only have the intention of travelling to the same destination but should also have the common purpose of travelling as well.

(iii) A Tourist Vehicle plying under an All India Tourist Permit shall at all time carry a list of tourists in electronic form or in physical form, which shall contain the details of origin and destination of each tourist. Such list should be ready and



complete before the Vehicle starts its journey under a contract.

(iv) A Tourist Vehicle Operator does not have a right to stop the Vehicle to pick up or drop off passengers not included in the contract, enroute a journey. In other words, a Tourist Vehicle cannot run its service like a Stage Carriage.

45. Based on the afore conclusions, the writ petitions are disposed of with the following orders/directions:

(i) Circular No.B1/31/2023/Trans dated 06.06.2023 of the Secretary, Department of Transports, Government of Kerala is legal and valid and is not liable to be set aside on the grounds urged by those writ petitioners, who are Tourist Vehicle Operators.

(ii) The action taken by the Motor Vehicles Department including interception of vehicles, issuance of challans and seizure



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of vehicles for violation of permit conditions
are declared as *prima facie* justified.

(iii) W.P.(C) Nos.19537, 37551, 37980,
38261, 39289 and 42719 of 2023 and 4555
of 2024 are dismissed.

(iv) W.P.(C) Nos.32419 and 38410 of
2023 are disposed of in view of the findings,
orders and directions contained in this
judgment.

Sd/-

N. NAGARESH, JUDGE

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APPENDIX OF WP(C) 19537/2023

PETITIONER'S EXHIBITS:

- Exhibit P1 TRUE COPY OF THE SAID CIRCULAR NO. B1/31/2023 TRANSPORT ISSUED BY THE 1ST RESPONDENT DATED 06.06.2023
- Exhibit P2 TRUE COPY OF THE PENALTY CHALLAN NO. KL104011230609201122 ISSUED BY THE MOTOR VEHICLE INSPECTOR UNDER THE 4TH RESPONDENT DATED 09.06.2023
- Exhibit P3 TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE NO. KL 41 Q 5155
- Exhibit P4 TRUE COPY OF THE TAX LICENSE ISSUED TO THE PETITIONER DATED NIL
- Exhibit P5 TRUE COPY OF ALL INDIA TOURIST PERMIT OF VEHICLE NO. KL 41 Q 5155 DATED 08.11.2021
- Exhibit P6 TRUE COPY OF QUARTERLY TOURIST PERMIT FEE RECEIPT DATED 11.06.2023
- Exhibit P7 TRUE COPY OF THE PENALTY CHALLAN NO. KL70157230611195712 ISSUED BY THE MOTOR VEHICLE INSPECTOR UNDER THE 4TH RESPONDENT DATED 11.06.2023
- Exhibit P8 TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE NO. KL 41 Q 6366
- Exhibit P9 TRUE COPY OF THE TAX LICENSE ISSUED TO THE PETITIONER DATED NIL



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Exhibit P10

TRUE COPY OF ALL INDIA TOURIST PERMIT
OF VEHICLE NO. KL 41 Q 6366 DATED
08.11.2021

Exhibit P11

TRUE COPY OF QUARTERLY TOURIST PERMIT
FEE RECEIPT DATED 03.06.2023



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APPENDIX OF WP(C) 32419/2023

PETITIONER'S EXHIBITS:

- | | |
|------------|---|
| Exhibit P1 | A TRUE COPY OF G.S.R 302 (E) DATED
18.04.2023 |
| Exhibit P2 | A TRUE COPY OF S.R.O NO: 420 OF 2022
DATED 30.04.2022 |
| Exhibit P3 | A TRUE COPY OF THE REPRESENTATION
DATED 08.09.2023 ADDRESSED TO THE 5 TH
RESPONDENT |



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W.P.(C) No.19537/2023 & connected cases
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APPENDIX OF WP(C) 37551/2023

PETITIONER'S EXHIBITS:

- Exhibit P1 THE TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER'S VEHICLES NO. KL64/ L9200
- Exhibit P2 THE TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER'S VEHICLES NO. KL64/ L9700
- Exhibit P3 THE TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER'S VEHICLES NO. KL64/ L9800 AND KL 64/L 9600
- Exhibit P4 THE TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER'S VEHICLES NO. KL64 L9200
- Exhibit P5 TRUE COPY OF THE RELEVANT PORTION OF ALL INDIA TOURIST VEHICLES (PERMIT) RULES G.S.R. 302 (E) DATED 18.04.2023.
- Exhibit P6 TRUE COPY OF THE LETTER DATED 04.08.2023 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.
- Exhibit P7 TRUE COPY OF THE CIRCULAR ISSUED BY THE 2ND RESPONDENT ON 6.06.2023 (WITH TRANSLATION)
- Exhibit P8 TRUE COPY OF THE INTERIM ORDER DATED 30.06.2023 IN WP (C) NO. 19537 OF 2023 OF THIS HONBLE COURT.
- Exhibit P9 TRUE COPY OF THE INTERIM ORDER IN WP (C) NO. 19537 /2023 DATED 20. 10. 2023 OF THIS HONBLE COURT.



2024:KER:68361

W.P.(C) No.19537/2023 & connected cases
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APPENDIX OF WP(C) 37980/2023

PETITIONER'S EXHIBITS:

- Exhibit P1 A TRUE COPY OF THE LIST OF VEHICLES WITH ALL INDIA PERMITS BEING OPERATED BY THE PETITIONER THROUGH THE STATE OF KERALA
- Exhibit P2 A TRUE COPY OF THE GAZETTE NOTIFICATION NO.GSR.302 (E) DATED 18.04.2023 ISSUED BY THE 1ST RESPONDENT
- Exhibit P3 A TRUE COPY OF THE COMMUNICATION DATED 04.08.2023 ISSUED BY THE 8TH RESPONDENT
- Exhibit P4 A TRUE COPY OF THE CHECK REPORT ISSUED BY THE 5TH RESPONDENT AGAINST THE PETITIONER DATED 04.11.2023 RELATING TO VEHICLE NO.AR01J5228 DEMANDING PAYMENT OF PENALTY OF RS.10000/-
- Exhibit P5 A TRUE COPY OF THE RC STATUS RELATING TO VEHICLE NO.AR01J5227 EVIDENCING BLACKLISTING OF THE VEHICLE BY THE 7TH RESPONDENT
- Exhibit P6 A TRUE COPY OF THE CIRCULAR DATED 06.06.2023 ISSUED BY THE 2ND RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION
- Exhibit P7 A TRUE COPY OF THE INTERIM ORDER DATED 30.06.2023 ISSUED BY THIS HON’BLE COURT IN WP(C) NO. 19537/2023
- Exhibit P8 A TRUE COPY OF THE INTERIM ORDER DATED 13.11.2023 IN W.P. (C) NO:37551/2023.



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W.P.(C) No.19537/2023 & connected cases
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APPENDIX OF WP(C) 38261/2023

PETITIONER'S EXHIBITS:

- Exhibit P1 TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONER ALONG WITH ITS AUTHORIZATION DATED 30.8.2023
- Exhibit P2 TRUE COPY OF THE INTERIM ORDER IN WP[C] NO.19537/2023 DATED 30.6.2023
- Exhibit P3 TRUE COPY OF THE INTERIM ORDER IN WP[C] NO.37551/2023 DATED 13.11.2023
- Exhibit P4 TRUE COPY OF THE ALL INDIA TOURIST VEHICLES [PERMIT] RULES 2023. GSR 302[E] DATED 18.4.2023
- Exhibit P5 TRUE COPY OF THE CHECK REPORT DATED 01.09.2023
- Exhibit P6 A TRUE COPY OF THE CHECK REPORT DATED 16.10.2023
- Exhibit P7 TRUE COPY OF THE SEIZURE REPORT DATED 16.10.2023 WITH ENGLISH TRANSLATION
- Exhibit P8 TRUE COPY OF THE ORDER PASSED BY JUDICIAL FIRST CLASS MAGISTRATE IN CRL.M.P.NO.3476/2023 DATED 9.11.2023
- Exhibit P9 TRUE COPY OF THE JUDGMENT IN WP[C] NO.28838/2023 20.10.2023
- Exhibit P10 TRUE COPY OF THE CIRCULAR NO.B/31/2023-TRAN[B] DEPT DATED 6.6.2023 WITH ENGLISH TRANSLATION
- Exhibit P11 TRUE COPY OF THE CHECK REPORT DATED 18.11.2023 AT 5.09 A.M.
- Exhibit P12 TRUE COPY OF THE CHECK REPORT DATED 18.11.2023 AT ABOUT 10.58 A.M.



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W.P.(C) No.19537/2023 & connected cases
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Exhibit P13 TRUE COPY OF THE CHECK REPORT DATED
18.11.2023 AT 11.51 A.M.

Exhibit P14 TRUE COPY OF THE CHECK REPORT DATED
23.11.2023 AT 1.23 A.M.

Exhibit P15 TRUE COPY OF THE CHECK REPORT DATED
23.11.2023 AT 8.45 A.M.

Exhibit P16 TRUE COPY OF THE CHECK REPORT DATED
23.11.2023 AT 9.27 A.M.

Exhibit P17 TRUE COPY OF THE CHECK REPORT DATED
23.11.2023 AT 10.30 A.M.

Exhibit P18 TRUE COPY OF THE CHECK REPORT DATED
23.11.2023 AT 11.15 A.M.

Exhibit P19 TRUE COPY OF THE CHECK REPORT DATED
24.11.2023 AT ABOUT 0.12 A.M.

Exhibit P20 TRUE COPY OF THE CHECK REPORT DATED
24.11.2023 AT 00.49 A.M.

Exhibit P21 TRUE COPY OF THE REQUEST LETTER DATED
24.11.2023 SUBMITTED BY THE PETITIONER
BEFORE THE 5TH RESPONDENT.

Exhibit P22 TRUE COPY OF THE NOTICE DATED
20.11.20223 ISSUED BY THE JOINT
TRANSPORT COMMISSIONER AND SECRETARY
STATE TO THE PETITIONER.

RESPONDENT'S EXHIBITS

EXHIBIT R3(a) STANDARD OPERATING PROCEDURES ISSUED
BY NIC FOR THE REMITTANCE OF PERMIT
FEES ONLINE ON VAHAN SOFTWARE, ISSUED
AS A COROLLARY.



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W.P.(C) No.19537/2023 & connected cases
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APPENDIX OF WP(C) 38410/2023

PETITIONER'S EXHIBITS:

Exhibit P-1 TRUE COPY OF THE 'ALL INDIA TOURIST
VEHICLES (PERMIT) RULES, 2023.



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W.P.(C) No.19537/2023 & connected cases
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APPENDIX OF WP(C) 39289/2023

PETITIONER'S EXHIBITS:

- 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 NLO1B 2690
- Exhibit P4 THE TRUE COPY OF THE ALL INDIA TOURIST PERMIT OF VEHICLE NO NLO1B 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.



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W.P.(C) No.19537/2023 & connected cases
: 60 :

APPENDIX OF WP(C) 42719/2023

PETITIONER'S EXHIBITS:

- Exhibit P1 TRUE COPY OF THE PERMIT FOR THE VEHICLE BEARING REGISTRATION NO.KL-65-R-5999.
- Exhibit P2 TRUE COPY OF THE AUTHORIZATION IN THE VAHAN SITE OF THE VEHICLE BEARING REGISTRATION NO.KL-65-R-5999.
- Exhibit P3 TRUE COPY OF THE PAYMENT RECEIPTS OF THE TAX FOR THE VEHICLE BEARING REGISTRATION NO.KL-65-R-5999 DATED 31.08.2023.
- Exhibit P4 TRUE COPY OF THE DETAILS OF W.P.(C) NO. 1112 OF 2023 AVAILABLE FROM THE SITE OF THE HONOURABLE SUPREME COURT OF INDIA.
- Exhibit P5 TRUE COPY OF THE ORDER DATED 13.10.2023 IN W.P.(C) NO. 1112 OF 2023 PASSED BY THE HONOURABLE SUPREME COURT OF INDIA.
- Exhibit P6 TRUE COPY OF THE LETTER DATED 30.08.2023 SENT BY THE 18TH RESPONDENT TO THE 8TH RESPONDENT.
- Exhibit P7 TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6.
- Exhibit P8 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 01.09.2023 AT ABOUT 4.57 A.M. ALONG WITH A NOTICE UNDER RULE 107 (FORM CFX).
- Exhibit P9 TRUE COPY OF THE CERTIFICATE OF FITNESS OF VEHICLE BEARING REGISTRATION NO.KL-65-R-5999.



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W.P.(C) No.19537/2023 & connected cases
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- Exhibit P10 TRUE COPY OF THE LETTER DATED 12.10.2023 SENT BY THE 18TH RESPONDENT TO THE 8TH RESPONDENT.
- Exhibit P11 TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P10.
- Exhibit P12 TRUE COPY OF THE GENERAL ADMINISTRATION (AIS-A) DEPARTMENT ORDER DATED 21.09.2023.
- Exhibit P13 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 16.10.2023.
- Exhibit P14 TRUE COPY OF THE PASSENGERS LIST DATED 16.10.2023 OF THE VEHICLE BEARING REGISTRATION NO.KL-65-R-5999.
- Exhibit P15 TRUE COPY OF THE SEIZURE MAHAZAR DATED 16.10.2023 ALONG WITH THE ENGLISH TRANSLATION.
- Exhibit P16 TRUE COPY OF THE ORDER DATED 09.11.2023 IN CRL.M.P.NO. 3476 OF 2023 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, RANNI.
- Exhibit P17 TRUE COPY OF THE INTERIM ORDER DATED 17.11.2023 IN W.P.(C) NO. 38261 OF 2023 ON THE FILES OF THIS HONOURABLE COURT.
- Exhibit P18 TRUE COPY OF THE VEHICLE INSPECTION RECORD.
- Exhibit P19 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 18.11.2023 AT 5.09 A.M.
- Exhibit P20 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 18.11.2023 AT ABOUT 10.58 A.M.
- Exhibit P21 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 18.11.2023 AT 11.51 A.M.



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W.P.(C) No.19537/2023 & connected cases
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- Exhibit P22 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 23.11.2023 AT 1.23 A.M.
- Exhibit P23 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 23.11.2023 AT 8.45 A.M.
- Exhibit P24 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 23.11.2023 AT 9.27 A.M.
- Exhibit P25 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 23.11.2023 AT 10.30 A.M.
- Exhibit P26 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 23.11.2023 AT 11.15 A.M.
- Exhibit P27 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 24.11.2023 AT ABOUT 0.12 A.M.
- Exhibit P28 TRUE COPY OF THE CHECK REPORT/CHALAN DATED 24.11.2023 AT 00.49 A.M.
- Exhibit P29 TRUE COPY OF THE REQUEST LETTER DATED 24.11.2023 SUBMITTED BY THE PETITIONER BEFORE THE 8TH RESPONDENT.
- Exhibit P30 TRUE COPY OF THE NOTICE DATED 20.11.20223 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER.
- Exhibit P31 TRUE COPY OF THE E-MAIL RECEIVED BY THE PETITIONER ON 27.11.2023 FROM THE OFFICE OF THE JOINT TRANSPORT COMMISSIONER AND SECRETARY STA.
- Exhibit P32 TRUE COPY OF THE E-MAIL DATED 28.11.2023 SENT BY THE PETITIONER TO THE JOINT TRANSPORT COMMISSIONER AND SECRETARY STA.
- Exhibit P33 TRUE COPY OF THE ORDER NO.H4/14/STA 2023, 29.11.2023.
- Exhibit P34 TRUE COPY TAKEN FROM THE VAHAN SITE,



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W.P.(C) No.19537/2023 & connected cases
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VEHICLE BEARING REGISTRATION NO.KL-65-
R-5999.

Exhibit P35 TRUE COPY OF THE ORDER DATED
30.11.2023 IN I.A.NO. 2 OF 2023 IN
W.P.(C) NO. 38261 OF 2023 PASSED BY
THIS HONOURABLE COURT.

Exhibit P36 TRUE COPY OF THE LETTER DATED
01.12.2023.

Exhibit P37 TRUE COPY OF THE REPLY DATED
01.12.2023 ISSUED TO THE PETITIONER.

Exhibit P38 TRUE COPY OF THE LETTER SENT BY THE
PETITIONER TO THE 5TH RESPONDENT.

Exhibit P39 TRUE COPY OF THE LETTER DATED
01.12.2023 SENT BY THE PETITIONER TO
THE 10TH RESPONDENT.

Exhibit P40 TRUE COPY OF THE LIST OF TOURISTS ON
30.08.2023, 31.08.2023, 18.11.2023,
19.11.2023, 22.11.2023, 23.11.2023 AND
24.11.2023.

Exhibit P41 TRUE COPY OF THE G.O.(P) NO.
25/2023/TRANS THIRUVANANTHAPURAM DATED
17.11.2023.



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W.P.(C) No.19537/2023 & connected cases
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APPENDIX OF WP(C) 4555/2024

PETITIONER'S EXHIBITS:

- Exhibit P1 TRUE COPY OF THE ALL INDIA TOURIST
PERMIT ISSUED TO THE PETITIONER FOR
HIS VEHICLE DATED 23.11.2023
- Exhibit P2 TRUE COPY OF THE SAID CIRCULAR NO.
B1/31/2023 TRANSPORT ISSUED BY THE 1ST
RESPONDENT DATED 06.06.2023
- Exhibit P3 TRUE COPY OF MEMO ISSUED BY THE 5TH
RESPONDENT DATED 02.02.2024
- Exhibit P4 TRUE COPY OF THE SAID CHALLAN ISSUED
BY THE 5TH RESPONDENT TO THE
PETITIONER DATED 02.02.2024.