

WP 1239 of 2010

Shri B.Srinivas Rao

Vs

The Secretary (Transport) and Others

Judgment on: August 30, 2010

**Dipankar Datta, J.**

These petitions raise common question of law based on identical facts. Though all the petitions have not been heard analogously, the same shall stand disposed of by this common judgment and order.

All the petitioners are operators of tourist vehicles. The Secretary, State Transport Authority, Directorate of Transport, Port Blair has issued tourist permits in their favour, valid for five years from the date of its issue authorizing their respective vehicles to operate on all routes in North & Middle and South Andaman Districts. The common grievance of the petitioners is that the respondents are not permitting them to undertake return journey from Baratang to Port Blair on the same day their vehicles depart in the morning for Baratang from Port Blair. Their right to claim relief

is founded on two grounds:

Section 115 of the Motor Vehicle Act, 1988 (hereafter the MV Act), inter alia, provides that a partial restriction on operation of motor vehicles in a specified area or on a specified route may be imposed, provided the State Government or any authority authorized in this behalf by the State Government is satisfied that it is necessary so to do in the interest of public safety or convenience, or because of the nature of any road or bridge, by publishing a



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