

MV Act, he accepted the fact but submitted that it is for the administration to decide on the course of action to be followed, in consultation with the Government of India for imposing necessary restriction by issuing notification in the Official Gazette.

He concluded his argument by submitting that since the STA has brought about a parity of sorts between tourist bus owners and tourist vehicle owners like the petitioners, no relief ought to be granted in favour of the petitioners against the STA.

Mr. Mandal, learned Government Pleader representing the administration contended that tourist vehicles are being authorized to ply through the reserved area inhabited by the members of the Jarawa tribe after obtaining required pass issued by the Deputy Commissioner in terms of provisions contained in the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (hereafter the Regulation) and the rules framed thereunder and no illegality has been committed in not allowing tourist vehicles to return from Baratang to Port Blair on the same day of journey because of heavy increase in flow of vehicular traffic through the said reserved area.

The Court has heard learned advocates for the parties and considered the relevant statutory provisions.

It appears that tourist permits have been issued in favour of all the petitioners in exercise of power conferred by Rule 83(2) of the Central Motor Vehicle Rules, 1989 (hereafter the Central Rules). The vehicles in respect whereof tourist permits have been issued are required to adhere to the requirements of Rules 84 and 85.

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