

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WA.No. 1809 of 2012 IN WP(C).13408/2011

AGAINST THE ORDER IN WP(C) 13408/2011 DATED 14/09/2012

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APPELLANTS/RESPONDENTS 1 AND 2 IN THE WPC :

1. THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, THRISSUR.
2. ASSISTANT MOTOR VEHICLE INSPECTOR,
OFFICE OF THE REGIONAL TRANSPORT OFFICER,

BY SR. GOVERNMENT PLEADER, SRI.P.I. DAVIS

RESPONDENT/PETITIONER IN THE WPC :

KOMALAVALLY GOPINATH
W/O. T.M. GOPINATHAN, PROPRIETRESS
SRI. VENKITESWARA GAS AGENCIES, UNITY BUILDING
MANNADIAR LANE, THRISSUR-680 001.

BY ADV. SRI.B.ASHOK SHENOY
SRI.S.PRASANTH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29-05-2015, ALONG
WITH WA. 1817/2012, WA. 1829/2012 AND WA. 1853/2012, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. Nos. 1809, 1817, 1853 and 1829 OF 2012

Dated this the 29th day of May, 2015

JUDGMENT

Shaffique, J.

These appeals have been filed against the interim orders passed by the learned Single Judge in separate writ petitions filed by the petitioners.

2. The Writ Petitions have a common feature. Petitioners were operating vehicles for distribution of Liquefied Petroleum Gas (for short 'LPG'). The writ petitions have been filed seeking a direction to the respondents, especially the Regional Transport Officer, to permit the petitioners to operate or ply their vehicle for delivery of cylinders filled with LPG to the consumers without insisting for 'fixing anti-lock breaking system' on such vehicles.

3. Interim orders had been passed by the learned Single Judge in these cases staying the operation of the impugned orders by which a direction had been issued by the Regional Transport Authority denying the permit/fitness

certificate on the ground that the vehicles are not fixed with anti-lock breaking system. It is impugning the aforesaid interim orders that the State is in appeal. It is inter alia contended that when there is a specific statutory provision under the Central Motor Vehicle Rules 1989, that the vehicles used for transporting hazardous goods (gas cylinders) are to be fitted with anti-lock breaking system, no interim order could have been passed by the learned Single Judge which is totally against the statutory provisions.

4. While admitting the above writ appeals, this Court had stayed the operation of the interim orders and as matters stand now, the Writ Petitions are also pending.

5. Having regard to the factual and legal issues involved in the matter, we are of the view that the writ petitions are to be finally heard and decided by learned Single Judge. The appellant has already filed counter affidavits. Due to lapse of time, we do not think it necessary to interfere with the interim order passed in the appeals. We permit the appellants to take

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the matter before the learned Single Judge and seek for an early hearing in the matter.

As the interim orders in these appeals had been continuing for more than 3 years, there is no necessity to vary the same and the said interim orders shall continue till the disposal of the writ petitions. The Writ Appeals are disposed of accordingly.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/29/05