

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.12863 of 2014

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader for Home appearing for the respondents 1 to 5 and learned Government Pleader for Transport appearing for the respondents 6 to 8.

2. The prayer sought in the writ petition is as under:-

“...to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 to 5 and their subordinate Officers in insisting upon the Petitioners to obtain ‘Police Permits’ and pay Rs.100/- per day per vehicle in respect of the contract carriage vehicles of the Petitioners in order to ply the same in the Twin cities of Hyderabad and Secunderabad and Ranga Reddy District as arbitrary, illegal, improper, void, vitiated, unjust, perverse, without jurisdiction and without any Authority of Law and consequently forbear the Respondents 1 to 5 and their Subordinate Officers from doing so and refund the amount collected from the Petitioners towards issuance of Police permits in respect of Petitioners’ Contract Carriage Vehicles forthwith, to the Petitioners and grant such other relief or relief’s as this Hon’ble Court deems fit and proper in the circumstances of the case in the interest of Justice.”

3. The respondents 4 and 5 filed counter-affidavits denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the Hyderabad City Police has restricted

the plying of transport and carriage vehicles during peak traffic hours to see that there is a smooth flow of traffic and the people in general are not put to any hardship or inconvenience. It is also mentioned that if the Hyderabad City Police do not curtail the movements of heavy transport and carriage vehicles during peak hours, the entire traffic of Hyderabad City will be in chaos and the traffic system will be uncontrollable. It is also further mentioned that the respondents never insisted/demanded any amount from the petitioners or any other vehicle owner and if in any case any amount is paid to the Commissioner of Police, Welfare Fund, it is purely voluntary in nature and that too it is not being accepted since 01.07.2010. All the contract carriage, which are required to operate in restricted hours, apply for and are given permission with some basic conditions for safety and convenience of public. It is specifically mentioned that no fee/payment is asked for nor collected for this permission. Each permission is normally given for six months and renewed on application. This system is being followed only to control and regulate movement of vehicles in certain heavy traffic corridor areas, so that public, whether vehicular or pedestrian, are put to least possible inconvenience and danger. It is further mentioned that Cyberabad Police has restricted the plying of transport and carriage vehicles during peak traffic hours to see that there is a smooth flow of traffic and people in general are not put to any hardship or inconvenience. In fact, several of these vehicles are in bad condition

leading to breakdown, which are causing public inconvenience and traffic jams. Many of these vehicles do not stop at the designated places leading to traffic congestion and danger to public. There are also several complaints of rash driving and misbehaviour at times. These issues are not addressed by permits issued by the registration authority. If the Hyderabad City Police do not regulate the movements of heavy transport and carriage vehicles during peak hours, the entire traffic of Hyderabad City will be in chaos and the traffic system will be uncontrollable. The travelling public will be put to severe inconvenience in terms of increased traveling time, chance of accident and other such aspects. In fact, the rules to regulate movement contract carriages in such hours have been notified by the appropriate authority as provided for in the relevant law. It is also mentioned that no amount has been ever fixed as fee that is given for police permits. The police permission for vehicles are issued totally free of charge.

4. In the light of the specific averments made in the counter-affidavits filed by the respondents 4 to 5, to rebut the said allegations, no reply affidavit has been filed. Therefore, the contents of the counter-affidavits filed by the respondents 4 and 5 goes un-rebutted and are binding on the petitioners.

5. Be that as it may, since it is specifically stated in the counter-affidavits that no fee is being charged for the permits, this Court is of the opinion that there are no merits in the writ petition.

6. Accordingly, the writ petition is closed. However, liberty is given to the petitioners to challenge the notification issued in this regard.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

P. KESHAVA RAO, J

6th December 2019

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