



W.P.No.34407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 09.04.2025**

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CORAM:

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.34407 of 2024**

K.Jaya

...Petitioner

-Vs-

1.The Union of India,  
Rep by its Secretary,  
Ministry of Road Transport and Highways,  
New Delhi – 110 001.

2.The Government of Tamil Nadu,  
Rep. by its Secretary,  
Transport Department,  
St.George Fort,  
Secretariat, Chennai – 600 009.

3.The Transport Commissioner cum  
State Transport Authority,  
Ezhilagam, Chepauk,  
Chennai – 600 005.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein to remove the condition which had been additionally stamped/endorsed on the permits of the petitioner's vehicles bearing Registration Nos.TN-30-CF-5288 and TN-30-CF-5499, that the vehicles should be replaced by other vehicles on or before 24.04.2025, and pass such further orders.



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For Petitioner : Mr.R.Natesan  
For R1 : Mr.S.Diwakar (CGSC)  
For R2 & R3 : Mr.S.Haja Nazirudeen  
Additional Advocate General  
assisted by Mr.V.Nanmaran  
Additional Government Pleader

### **ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein to remove the condition which had been additionally stamped/endorsed on the permits of the petitioner's vehicles bearing Registration Nos.TN-30-CF-5288 and TN-30-CF-5499, that the vehicles should be replaced by other vehicles on or before 24.04.2025.

2. The case of the petitioner is that she is the owner of the Contract Carriage Vehicles bearing Registration Nos.TN-30-CF-5288 and TN-30-CF-5499, which are covered by a valid All India Tourist Permit granted by the 3<sup>rd</sup> Respondent herein. The base permits in respect of the said vehicles are valid from 16.07.2024 to 15.07.2029 to ply all over the Union of India.

3. The grievance of the petitioner is that the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents herein had additionally stamped a condition onto the permits of the petitioner's vehicles stating that both of the vehicles should be replaced by



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other vehicles on or before 24.04.2025. Aggrieved by the imposition of the said condition, the petitioner has come up with the present writ petition.

4. The learned counsel for the Petitioner submits that Rule 4(5) of the All India Tourist Vehicles (Permit) Rules, 2023, stipulates the procedure for the grant of an All India Tourist Permit and renewal thereof, which reads as follows:

***“4. Procedure for grant of All India Tourist Permit and renewal thereof:-***

*..... (5) A tourist vehicle shall not be granted the All India Tourist Permit after the vehicle has completed twelve years from the date of first registration of the vehicle:*

*Provided that, in case of diesel vehicles registered in the National Capital Territory of Delhi, the All India Tourist Permit shall not be granted after the vehicle has completed ten years from the date of its first registration.”*

5. Therefore, the petitioner states that the said rules explicitly state that no vehicle shall be granted the All India Tourist Permit if it has completed twelve years from the date of its first registration. Whereas, contrary to the aforesaid rule, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents herein had additionally stamped a condition onto the permits of the petitioner's vehicles stating that both of the vehicles should be replaced by other vehicles on or before 24.04.2025. Further, it is important to point out that no such endorsements curtailing the



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effective lifetime of the vehicles to eight years are made in the All India Permits granted in other States or Union Territories.

6. It is submitted that the 2<sup>nd</sup> and 3<sup>rd</sup> respondents had made the said endorsement by referring to Rule 82(2) of the Central Motor Vehicles Rules, 1989. Whereas, Rule 13 of the All India Tourist Vehicles (Permit) Rules, 2023, explicitly states that Rules 82 to 85A of the CMVR 1989 will not apply to the All India Tourist Permits, which is extracted hereunder:

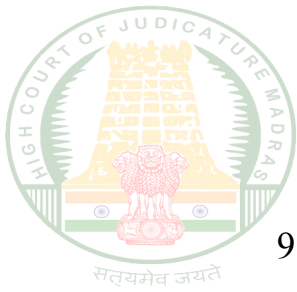
**13. Exemption.—**

***(1) The conditions prescribed in rules 82 to 85A of the Central Motor Vehicles Rules, 1989 shall not apply to the All India Tourist Permits granted under these rules.***

***(2) The All India Tourist Permit issued under the Motor Vehicles (All India Permit for Tourist Transport Operators) Rules, 1993 or the All India Tourist Vehicles (Authorisation or Permit) Rules, 2021 shall continue to be in force during their validity period as if they were issued under these rules.***

7. Despite the same, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents had made such an endorsement on the permits of the petitioner's vehicle, which is untenable and contrary.

8. A counter affidavit was filed by the 3<sup>rd</sup> respondent dated 23.01.2025.



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9. Learned Additional Advocate General appearing for respondents 2

and 3 would submit that the petitioner has been granted tourist permits as defined under Rule 82(1) of the Central Motor Vehicles Rules 1989 in respect of two of her tourist vehicles as detailed below under Section 88(9) of the Motor Vehicles Act 1988 to be plied all over India.

| SL. No. | Vehicle No.   | Date of its Initial Registration | Seating Capacity      | Model | Permit No.                       | Validity                       |
|---------|---------------|----------------------------------|-----------------------|-------|----------------------------------|--------------------------------|
| 1.      | TN 30 CF 5288 | 25.04.2017                       | 36<br>(Sleeper Coach) | 2017  | 342 /<br>AITP /<br>STA /<br>2024 | 16.07.2024<br>to<br>15.07.2029 |
| 2.      | TN 30 CF 5499 | 25.04.2017                       | 36<br>(Sleeper Coach) | 2017  | 343 /<br>AITP /<br>STA /<br>2024 | 16.07.2024<br>to<br>15.07.2029 |

10. The above-mentioned permits were issued subject to the age limits prescribed for tourist vehicles under Rule 82(2) of the Central Motor Vehicles Rules, 1989, in accordance with the Government of India Notification No. G.S.R. 338(E) dated 26.03.1993. Further authorizations, as contemplated under Rule 83(2) of the Central Motor Vehicles Rules, 1989, were also issued for the said vehicles upon collection of the prescribed fee as per Rule 83(1), which reads as follows:



**82. Tourist permits.—**

*(1) An application for the grant of a permit in respect of a tourist vehicle (hereinafter referred to in these rules as a tourist permit) shall be made in Form 45 to the State Transport Authority.*

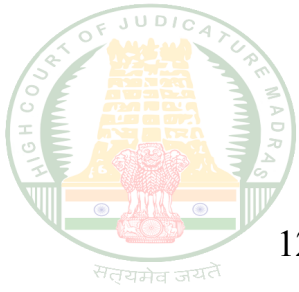
*(2) [\*\*\*]*

*[(n) A tourist permit shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes 9 years in the case of a motor cab and 8 years where the motor vehicle is other than a motor cab, unless the motor vehicle is replaced;*

*(b) Where a vehicle covered by a tourist permit is proposed to be replaced by another, the latter vehicle shall not be more than two years old on the date of such replacement.]*

**83. Authorization fee.—***(1) An application for the grant of authorisation for a tourist permit shall be made in Form 46 and shall be accompanied by a fee of Rs. 500 per annum in the form of a bank draft.*

11. Accordingly, based on these conditions stipulated in the erstwhile Rule 82(2), the age limit for the subject vehicles was fixed at 8 years from the date of their initial registration, i.e., up to 24.04.2025. Consequently, while granting the All India Tourist Permits to the said vehicles, it was made conditional upon the petitioner replacing the vehicles on or before the expiry of the said 8-year period, i.e., on or before 24.04.2025. Hence, the impugned stamped endorsements were affixed to the permits, serving as a statutory caution to the petitioner regarding the requirement to replace the vehicles within the prescribed time frame.



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12. Learned Additional Advocate General further submits that the All

India Tourist Permits were issued to the petitioner in her capacity as the owner of tourist vehicles and not as a recognized tourist transport operator duly authorized by the Director General of Tourism, New Delhi. Consequently, the All India Tourist Permits were granted to the petitioner under Section 88(9) of the Motor Vehicles Act, 1988, read with Rule 82(2) of the Central Motor Vehicles Rules, 1989, and not pursuant to the Government of India Notification under the Tourist Transport Operators (Recognition) Rules, 1993. Therefore, the age limit for the petitioner's vehicles was fixed at 8 years only, i.e., up to 24.04.2025, in accordance with the then-prevailing Rule 82(2) of the CMVR, 1989.

13. The Government of India issued another notification in Number GSR 166 (E) dated 10.03.2021 (came into force 01.04.2021) called "The All India Tourist Vehicles (Authorization or Permit) Rules 2021 in suppression of the "Motor Vehicles All India Permit for Tourist Transport Operators Rules 1993". These rules were framed to grant authorization or a permit to a tourist vehicle operator for a tourist vehicle, and such authorization may be granted for three months or its multiples thereof, not exceeding five years at a time, as per Rule 4(4) of the Rules, on payment of the prescribed fee



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specified in Rule 5 of said rules and the age of the vehicle for granting of such authorization or permit is determined as twelve years from the date of first registration of the vehicle, as per Rule 4(5) of said rules. The above-mentioned rule provides a grant of authorization or permit to a tourist vehicle operator owning a tourist vehicle, and such an operator may not be recognized as a tourist transport operator by the Director General of Tourism, New Delhi, as stipulated in the All India Permit for Tourist Transport Operators Rules 1993. In pursuance of the above-mentioned notification of 2021, no such permit had been granted by the 2<sup>nd</sup> Respondent herein in the State of Tamil Nadu.

14. Subsequently, the Government of India, based on the objection received from all corners of the State in India, issued another notification in GSR No.302 (E) dated 18.04.2023 called as "All India Tourist Vehicles (Permit) Rules 2023" (came into force w.e.f 01.05.2023) in supersession of the All India Tourist Vehicles (Authorization or Permit) Rules 2021. The above said revised Rule was prescribed for granting of All India Tourist Permit to a tourist vehicle of tourist operator (must not be an approved recognized tourist transport operator as required in Rule 15(3) of the All India Permit for Tourist Transport Operators Rules 1993) on payment of the



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prescribed fee as specified in Rule 3(3) of the said Rule for a period of ninety days or multiples thereof not exceeding five years at a time.

15. In view of the aforesaid rule provisions, the petitioner is not an approved recognized tourist transport operator as required in Rule 15(3) of the All India Permit for Tourist Transport Operators Rules 1993, and she is only a tourist operator owning tourist vehicles as defined in Sec 2(43) of the Motor Vehicles Act 1988 in her name. As such, she has been granted an All India Tourist Permit as per Sec 88(9) of the Motor Vehicles Rules 1989 (as amended in notification No. GSR 338(E) dated 26.03.1993). The age of the vehicle was rightly determined for 8 years only from the date of its original registration up to 24.04.2025 and also endorsed in the connected permits of the petitioner. Further, the petitioner has not been granted any permits under any one of the following amended rules provisions published by the Government of India in three different notifications as follows:

- a) All India Permit for Tourist Transport Operators Rules 1993 (Notified in GSR 541 (E) dated 10.10.1993 came into force w.e.f 10.10.1993)
- b) All India Tourist Vehicles (Authorization or Permit) Rules 2021 (Notified GSR 166 (E) dated 10.03.2021 came into force 01.04.2021)
- c) All India Tourist Vehicles (Permit) Rules 2023 (Notified in GSR 302 (E) dated 18.04.2023 came into



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force w.e.f 01.05.2023)

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16. The petitioner is not a recognized Tourist Transport Operator as per the Rules framed in 1993 but merely an owner of tourist vehicles. Accordingly, she was granted an All India Tourist Permit by the third Respondent under the provisions of the Central Motor Vehicles Rules, 1989, and not under any of the three notifications referred to above. Furthermore, as per Section 88(9) of the Motor Vehicles Act, 1988, read with Rule 82(2) of the CMVR, 1989, the 3<sup>rd</sup> Respondent has never issued any permits in accordance with the rulings or notifications of the years 1993, 2021 or 2023. Therefore, the petitioner is not entitled to claim the benefit of a 12-year validity period for her tourist vehicles as prayed for by seeking to rely on the aforementioned rulings, as no permits or notifications were issued to her under those rules.

17. An Additional Counter Affidavit was filed by the 3<sup>rd</sup> respondent on 12.02.2025, and the relevant paragraphs are extracted hereunder:

*“7. .... The All India Tourist Vehicles (Authorisation or Permit) Rules, 2021 was superseded by The All India Tourist Vehicles (Permit) Rules, 2023 which came into being on 01.05.2023 pursuant to issuance of Notification in GSR No.302 (E) dated 18.04.2023. Being a concurrent subject, the State which is vested with powers, has not agreed with the Rules which were*



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*framed in terms of The all India Tourist Vehicles (Authorisation or Permit) Rules, 2021, in respect of which the aggrieved persons filed Writ Petition under Art. 32 of the Constitution of India before the Hon'ble Supreme Court of India whereby, the Supreme Court remitted the matter back to the jurisdictional High Courts to decide the issue being a concurrent subject. All these concerned matters are jointly being clubbed under W.P.No.20632 of 2024 and under consideration before Hon'ble High Court of Madras.*

*Further, The All India Tourist Vehicles (Permit) Rules 2023 were not implemented by the State and thereby, no permit was issued by the State Transport Authority till date. The Petitioner having made an Application in Form 45 seeking tourist permit in terms of the Act 1988, and appeared to have made payment through the Central Govt Portal and the same was digitally signed by 'vahanparivahan.gov.in' dated 27.10.2024. It is incorrect to state that the same was issued by the State Transport Authority. The Petitioner has made payment to the tune of Rs.90,000/- into the Account of Central Govt., for the period from 20.12.2024 to 19.03.2025 against bank reference no. 1912240006941 for vehicle no TN 30 CF 5288 on quarterly basis.. Similarly, the Petitioner has paid another sum of Rs.90,000/- for the vehicle No.TN 30 CF 5499 for the period from 26. 10.2024 to 25.01.2025 against bank reference No. 2310240060916 on quarterly basis. The said permit is valid upto 25.04.2025 and was not issued by the State Transport Authority whereas the permit issued by the State Transport Authority and held by the petitioner is valid up to 15.07 2029. A contrario sensu, it appears that there is failure on the part of the Petitioner to draw line between the permit which was issued by the State Transport Authority vis-a-vis permit issued by the Ministry of Road Transport and High Ways vide Notification No.GSR 302 (E) dated 18.04.2023.*

*9. .... the permits which are granted under the All India Tourist (Permit) Rules 2023 as aforesaid, cannot be equated to the permit which was obtained and held by the petitioner. Thereby, the State Transport authority has rightly acted, and hence the question of removal of the additional stampings/ endorsements made on the two tourist vehicles permit referred to above does not arise since it has been made in accordance with the mandatory provision CMV Rule 82(2). Further, the payment made by the appellant for Rs.90,000/- in his voluntary payment made towards All India Permit fees which is not at all required to the permit issued to her and the Motor Vehicle tax for the permit*



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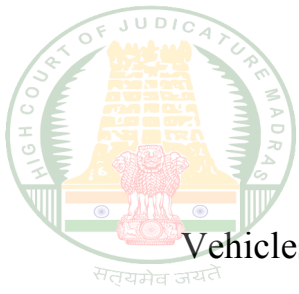
*which is held by the petitioner obtained from State Transport Authority, Tamil Nadu is paid by her through online which details are*

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|                                  |                                                                       |
|----------------------------------|-----------------------------------------------------------------------|
| For the Vehicle TN 30<br>CF 5499 | Rs.1,44,000/- dated 15.07.2024 for the quarter<br>ending 30.09.2024   |
|                                  | Rs.1,44,000/- dated 23.10.2024 for the quarter<br>ending 31.12.2024   |
|                                  | Rs. 1,44,000/- dated 24.01.2025 for the quarter<br>ending 31.03.2025  |
| For the Vehicle TN 30<br>CF 5088 | Rs.1,44,000/- dated 15.07.2024 for the quarter<br>ending 30.09.2024   |
|                                  | Rs.1,44,000/- dated 23.10.2024 for the quarter<br>ending 31.12.2024   |
|                                  | Rs. 1,44,000/- dated 24.01.2025 for the quarter<br>ending 31.03.2025” |

18. Learned Additional Advocate General drew the attention of this Court to the copy of the permits granted by the State Transport Authority, Tamil Nadu, prior to the implementation of the All India Tourist Vehicles (Permit) Rules, 2023.

19. Learned Additional Advocate General submitted that it is evident from the above that the All India Tourist Permit was not granted to the petitioner under the Tourist Transport Operators Rules, 1993, or any subsequent notifications. Moreover, as per Section 88(9) of the Motor



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Vehicles Act, 1988, read with Rule 82(2) of the Central Motor Vehicles Rules, 1989, the 3<sup>rd</sup> Respondent has never issued any permits in accordance with the notifications or rulings of the years 1993, 2021 or 2023. It is categorically submitted by the respondents that the All India Tourist Vehicles (Permit) Rules, 2023, only prescribe the procedure for the grant and renewal of All India Tourist Permits. Further, the said Rules explicitly state that no vehicle shall be granted an All India Tourist Permit if it has completed twelve years from the date of its initial registration.

20. Learned Additional Advocate General further submitted that the All India Tourist Permits were issued to the petitioner as in the cadre of an owner of tourist vehicles only and not even that she was a recognized tourist transport operator duly authorized by the Director General of Tourism Transport, New Delhi and as such, the All India Tourist Vehicle has been granted to the Petitioner under Sec 88(9) of the Motor Vehicle Act 1988 read with Rule 82(2) of CMVR 1989 only and not based on notification of the Government of India for Tourist Transport Operators Rules 1993. Hence, the age limit of petitioner's vehicles was fixed for 8 years only (i.e.,) up to 24.04.2025 as per Rule 82(2) of CMVR 1989.

21. Heard both sides and perused the materials available on record.



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22. The Government of India issued another notification in Number GSR 166 (E) dated 10.03.2021 (came into force 01.04.2021) called "The All India Tourist Vehicles (Authorization or Permit) Rules 2021 in suppression of the "Motor Vehicles All India Permit for Tourist Transport Operators Rules 1993". These rules were framed to grant authorization or a permit to a tourist vehicle operator for a tourist vehicle, and such authorization may be granted for three months or its multiples thereof, not exceeding five years at a time, as per Rule 4(4) of the Rules, on payment of the prescribed fee specified in Rule 5 of said rules and the age of the vehicle for granting of such authorization or permit is determined as twelve years from the date of first registration of the vehicle, as per Rule 4(5) of said rules. The above-mentioned rule provides a grant of authorization or permit to a tourist vehicle operator owning a tourist vehicle, and such an operator may not be recognized as a tourist transport operator by the Director General of Tourism, New Delhi, as stipulated in the All India Permit for Tourist Transport Operators Rules 1993. **In pursuance of the above-mentioned notification of 2021, no such permit had been granted by the 2<sup>nd</sup> Respondent herein in the State of Tamil Nadu.**

**23. Subsequently, the Government of India, based on the objection**



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received from all corners of the State in India, issued another notification in GSR No.302 (E) dated 18.04.2023 called as "All India Tourist Vehicles (Permit) Rules 2023" (came into force w.e.f 01.05.2023) in supersession of the All India Tourist Vehicles (Authorization or Permit) Rules 2021. The above said revised Rule was prescribed for granting of All India Tourist Permit to a tourist vehicle of tourist operator (must not be an approved recognized tourist transport operator as required in Rule 15(3) of the All India Permit for Tourist Transport Operators Rules 1993) on payment of the prescribed fee as specified in Rule 3(3) of the said Rule for a period of ninety days or multiples thereof not exceeding five years at a time.

24. In view of the aforesaid rule provisions, the petitioner is not an approved recognized tourist transport operator as required in Rule 15(3) of the All India Permit for Tourist Transport Operators Rules 1993, and she is only a tourist operator owning tourist vehicles as defined in Sec 2(43) of the Motor Vehicles Act 1988 in her name. As such, she has been granted an All India Tourist Permit as per Sec 88(9) of the Motor Vehicles Rules 1989 (as amended in notification No. GSR 338(E) dated 26.03.1993). The age of the vehicle was rightly determined



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**for 8 years only from the date of its original registration up to 24.04.2025**

**and also endorsed in the connected permits of the petitioner.**

25. The petitioner is not a recognized Tourist Transport Operator as per the Rules framed during 1993, and she belongs to the owner of a tourist vehicles only, and as such, she has been granted an All India Tourist Permit by the 3<sup>rd</sup> Respondent as DUCMVR 1989 only and not granted any permit as stipulated in the above said three notifications. **Moreover, as per Section 88 (9) of the Motor Vehicle Act, 1988, read with Rule 82(2) of the 3<sup>rd</sup> respondent never issued any permit in pursuance of Rulings of the years 1993, 2021 and 2023. As such, the petitioner is not liable to enjoy the fruit of 12 years for her tourist vehicle as prayed for by entering into the shoes of above said rulings since no such permits had been granted to her based on the said rulings in 2021 and 2023.**

26. However, it is pertinent to note that sub-rule (2) has since been omitted, and clause (b) has been renumbered as clause (a) pursuant to G.S.R. 338(E). Both the petitioner and the respondents now rely upon clause (a), which was formerly clause (b), under Rule 82, which reads as follows:



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**11. In rule 82 of the principal rules.**

(i) Clause (a) of sub-rule (2) shall be omitted. and clause (b) shall be renumbered as clause (a), and the clause (a) so renumbered shall be substituted as follows:

**"(a) A tourist permit shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes 9 years in the case of a motor cab and 8 years where the motor vehicle is other than a motor cab, unless the motor vehicle is replaced.";**

(ii) Clause (c) shall be renumbered as clause (b).

27. The copy of the application for grant of permit in respect of Tourist Vehicle on Form 45 (See Rule 82(1)) is extracted hereunder:

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**FORM 45**  
(See Rule 82 (1) )  
Application for grant of permit in respect of Tourist Vehicle

To  
The State Transport Authority,  
Chepauk, Chennai -5

I/We undersigned hereby apply for the grant of Permit for tourist vehicle valid throughout the territory of India / in the State of: **Throughout India**.  
(Specify the names of the States).

1. Name of the applicant (s) in full: **K. JAYA**

2. Status of the applicant, whether individual, company or partnership firm, Co-operative society etc.: **Individual**

3. Name of the father or husband (in case of individual) and in case of firm or company the particulars of managing partner or managing director, as the case may be: **W/o A. KARUPPA CHETTY**

4. Full address: **150/1, AADHISAKTHIPURAM, ANGAMMAL COLONY, SALEM-636009**  
(To be supported by attested copy of ration card, electricity bill, etc. In case of individual or any other valid documentary proof to the satisfaction of State Transport Authority and in case of company or firm certified copy of the Memorandum of Association or copy of the partnership deed):

5. (a) Whether applicant himself intends to drive the vehicle? Nil  
(b) If so, whether, applicant  
(i) holds Heavy Passenger Motor Vehicle Driving License.: Nil  
(ii) The number, date and validity period of driving License.....  
(iii) Name and address of the Licensing Authority.....

6. Registration certificate along with the date of first registration, Insurance Certificate Number.: **Vehicle to be Produced PY05H 5323**

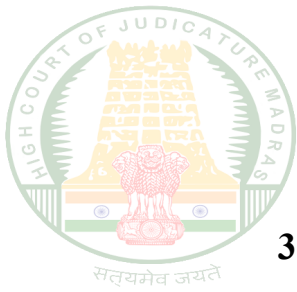
Date



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28. In the case on hand, the petitioner is the owner of the Contract Carriage Vehicles bearing Registration Nos.TN-30-CF-5288 and TN-30-CF-5499 which are covered by a valid All India Tourist Permit granted by the 3<sup>rd</sup> Respondent herein. The base permits in respect of the said vehicles are valid from 16.07.2024 to 15.07.2029 to ply all over the Union of India.

**29. The grievance of the petitioner is that Rule 4(5) of the All India Tourist Vehicles (Permit) Rules, 2023, stipulates the procedure for the grant of an All India Tourist Permit and renewal thereof. Further, the said rules explicitly state that no vehicle shall be granted the All India Tourist Permit if it has completed twelve years from the date of its first registration. Whereas, contrary to the aforesaid rule, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents herein had additionally stamped a condition onto the permits of the petitioner's vehicles stating that both of the vehicles should be replaced by other vehicles on or before 24.04.2025. Further, it is important to point out that no such endorsements curtailing the lifetime of the vehicles to 8 years are made in the All India Permits granted in other States or Union Territories.**



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**30. According to the respondents, the petitioner has been granted tourist permits as defined under Rule 82(1) of the Central Motor Vehicles Rules 1989 in respect of two of her tourist vehicles as detailed below under Section 88(9) of the Motor Vehicles Act 1988 to be plied all over India.**

| SL.No. | Vehicle No.      | Date of its Initial Registration | Seating Capacity         | Model | Permit No.                    | Validity                       |
|--------|------------------|----------------------------------|--------------------------|-------|-------------------------------|--------------------------------|
| 1.     | TN 30 CF<br>5288 | 25.04.2017                       | 36<br>(Sleeper<br>Coach) | 2017  | 342 / AITP<br>/ STA /<br>2024 | 16.07.2024<br>to<br>15.07.2029 |
| 2.     | TN 30 CF<br>5499 | 25.04.2017                       | 36<br>(Sleeper<br>Coach) | 2017  | 343 / AITP<br>/ STA /<br>2024 | 16.07.2024<br>to<br>15.07.2029 |

**31. As such, as per the conditions laid down in Rule 82 (2) of CMVR 1989, the age of the vehicles was prescribed up to 8 years from the date of its initial registration up to 24.04.2025 itself while granting All India Tourist Permits to these vehicles subject to the condition that the petitioner is liable to replace the said vehicles on or after the expiry of 8 years of the age of her vehicles, viz., on or before 24.04.2025. Hence, stamped endorsements were duly affixed in the connected permits as a statutory warning to the petitioner so as to ascertain that her vehicle**



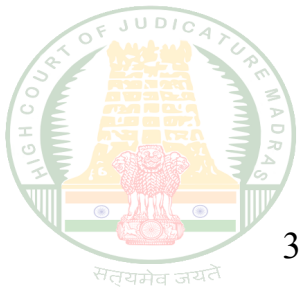
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**should be replaced within the prescribed time limit as above.**

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**32. All India Tourist Permits were issued to the petitioner as in the cadre of an owner of tourist vehicles only, and not even that she was a recognized tourist transport operator duly authorized by the Director General of Tourism Transport, New Delhi, and as such, the All India Tourist Vehicle has been granted to the Petitioner under Section 88(9) of the Motor Vehicles Act, 1988 read with Rule 82(2) of CMVR 1989 only, and not based on notification of the Government of India for Tourist Transport Operators Rules 1993. Hence, the age limit of petitioner's vehicles was fixed for 8 years only, i.e., up to 24.04.2025 as per Rule 82(2) of the CMVR 1989.**

33. However, in pursuance of the said 2021 Notification, no permits were issued by the 2<sup>nd</sup> Respondent within the State of Tamil Nadu. Subsequently, in light of objections received from several quarters across the country, the Government of India issued another Notification bearing GSR No. 302(E), dated 18.04.2023, titled “The All India Tourist Vehicles (Permit) Rules, 2023,” which came into force with effect from 01.05.2023, thereby superseding the 2021 Rules.



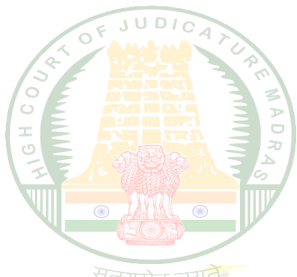
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34. The petitioner is only a tourist operator owning tourist vehicles as defined in Section 2(43) of the Motor Vehicles Act 1988 in her name. As such, she has been granted an All India Tourist Permit as per Section 88(9) of the Motor Vehicles Rules 1989 (as amended in notification in No.GSR 338 (E) dated 26.03.1993). The age of the vehicle was rightly determined for 8 years only from the date of its original registration up to 24.04.2025.

**35. It is also contended on behalf of the respondents that the petitioner has not been granted with any permits under any one of the following amended rules provisions published by the Government of India in three different notifications as follows:**

- a) All India Permit for Tourist Transport Operators Rules 1993 (Notified in GSR 541 (E) dated 10.10.1993 came into force w.e.f 10.10.1993)**
- b) All India Tourist Vehicles (Authorization or Permit) Rules 2021 (Notified GSR 166 (E) dated 10.03.2021 came into force 01.04.2021)**
- c) All India Tourist Vehicles (Permit) Rules 2023 (Notified in GSR 302 (E) dated 18.04.2023 came into force w.e.f 01.05.2023)**

36. It is pertinent to mention the copy of the permits granted by the State Transport Authority, Tamil Nadu, prior to the implementation of the All India Tourist Vehicles (Permit) Rules, 2023, which are as follows:



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FRESH PERMIT  
Date of Approval: 16-Jul-2024

b/v

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**TRANSPORT DEPARTMENT, TAMIL NADU**  
**STATE TRANSPORT AUTHORITY**

**PERMIT IN RESPECT OF TOURIST PERMIT (TOURIST OMNI BUS)-**  
**AIR-CONDITIONER**



**PART-A**

Permit No  
Name Of The Permit Holder  
Father's/Husband's Name (in case of Individual)  
Permanent Address

TN2024-AITP-0385A

K JAYA

A KARUPPA CHETTY  
150/1 AADHI SAKTHIPURAM, ANGAMMAL COLONY., TAMIL  
NADU, Salem - 636009.

RNO. 23409 /A1/2024

P-NO: 343 /AITP/STA/2024

**Registration Details**

- (i) Type of Vehicle :  
(ii) Registration Mark :  
(iii) Date of Registration  
(iv) Seating Capacity :  
(v) Chassis Number  
(vi) Make/Model  
(vii) Standing Capacity  
(viii) Sleeper Capacity  
(ix) Manuf. year of the motor vehicle  
(x) Type of body  
(xiii) Service Type

Omni Bus  
TN30CF5499  
25-Apr-2017  
1  
MB1PREHD8GGDA6903  
Sleeper 4/157

0  
36  
2017  
SLEEPER COACH  
Select Service Type

**Validity of the Permit**

From: 16-Jul-2024 To: 15-Jul-2029

**Area for which Permit is valid:**

**Place Where the Vehicle will be kept**

NA

**Authorization Details**

- (i). Authorization No.  
(ii). Authorization Validity

AZ/TN/30/072024/19169

From: 16-JUL-2024 To: 15-JUL-2025

**10. Rate of fare per kilometer**

As notified by Government From time to time.

1. This permit does not entitle the holder to use the vehicle herein described as a stage carriage or as a public carrier

Yes Subject to the condition, this vehicle should be replaced by Another Vehicle on or before

22-2 CMVR 1989

24-4-25

**2. Region Covered:**

ALL OVER INDIA

Conditions other than specified in item(1) to (8) above and those under section 84 and sub-section (10) of section 88 of the Motor Vehicle Act 1988.

Date: 16-Jul-2024



Secretary

State/Regional Transport Authority,  
STATE TRANSPORT AUTHORITY, Tamil Nadu

Signature  
24/7/24

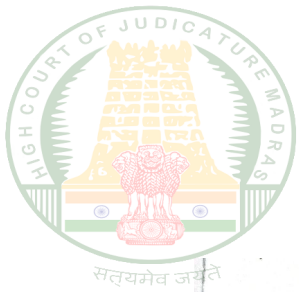
1/1



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**FORM 3**  
**[REFER RULE 4(4)]**  
**ALL INDIA TOURIST PERMIT FOR TN30CF5499**  
This All India Tourist Permit is valid for whole of India

Vahan  
died

|                              |                                                                |
|------------------------------|----------------------------------------------------------------|
| 1. Registration No:          | TN30CF5499                                                     |
| 2. Owner Name:               | K JAYA                                                         |
| 3. Complete Address:         | 150/1 AADHI SAKTHIPURAMANGAMMAL<br>COLONY Salem                |
| 4. Permit No:                | AP/TN/33/012025/3216 valid from 26-JAN-<br>2025 to 25-APR-2025 |
| b). Maker of the Vehicle     | ASHOK LEYLAND LTD                                              |
| c). Model of the Vehicle     | ALPSV 4/157                                                    |
| d). Seating Capacity(in all) | 37 = Sleeper (36) + Seating (1)                                |

|                                             |                                   |                    |                               |
|---------------------------------------------|-----------------------------------|--------------------|-------------------------------|
| Date and validity of<br>Fitness Certificate | Date and validity of<br>insurance | Road Tax paid upto | Date of First<br>Registration |
| 14-07-2026                                  | 27-06-2025                        | 31-03-2025         | 25-04-2017                    |

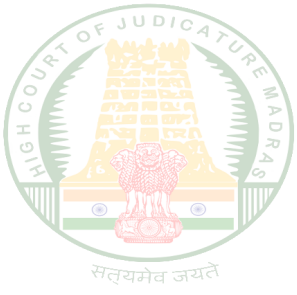
6. Period of validity of the All India Tourist Permit from 26-JAN-2025 to 25-APR-2025 paid  
90000/- dated 25-JAN-2025 vide bank reference no 2501250028885

Signature of the Issuing Authority  
(Seal of the appropriate authority)



This is a digitally signed document and issued as per IT Act 2000 which does not require seal  
or physical signature.

Digitally signed by  
vahan.parivahan.gov.in  
Date: 2025.01.25 18:58:08 IST



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**37. In the present case, the petitioner's vehicles were registered on 25.04.2017. Consequently, in accordance with the applicable regulations, the vehicles are required to be replaced upon the completion of eight years from the date of their initial registration, i.e., on or before 25.04.2025. Although the All India Tourist Permit issued to the petitioner by the 3rd Respondent is valid until 15.07.2029, the petitioner cannot place reliance on the All India Tourist Vehicles (Permit) Rules, 2023, which have not been adopted or implemented by the State of Tamil Nadu, considering that motor vehicles is a subject falling within the Concurrent List under the Constitution.**

**38. Furthermore, as per Section 88(9) of the Motor Vehicles Act, 1988, read with Rule 82 of the Central Motor Vehicles Rules, 1989, the age limit for the petitioner's vehicles has been fixed at eight years, and an appropriate endorsement to that effect was also made in the All India Tourist Permit issued by the 3<sup>rd</sup> Respondent. The amount of Rs.90,000/- paid by the petitioner was remitted into the account of the Central Government, and not to the State Government. The State Government has no financial or procedural role in this transaction, notwithstanding that the payment may have been facilitated through the office of the 3<sup>rd</sup>**



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**Respondent.**

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In view of the above facts and circumstance of the case, the **writ petition stands dismissed with the above observations.** No costs.

**09.04.2025**

cda

Index : Yes

Speaking Order : Yes

Neutral Citation : Yes

To

1.The Secretary,  
The Union of India,  
Ministry of Road Transport and Highways,  
New Delhi – 110 001.

2.The Secretary,  
The Government of Tamil Nadu,  
Transport Department,  
St.George Fort,  
Secretariat, Chennai – 600 009.

3.The Transport Commissioner cum  
State Transport Authority,  
Ezhilagam, Chepauk,  
Chennai – 600 005.

**J.SATHYA NARAYANA PRASAD, J.**

cda



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**09.04.2025**