

b"

ITEM NO.5

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 118 OF 2013(for prel. hearing)

K.B. VITTAL RAI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for ex-parte stay)

Date: 11/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. Thampan Thomas, Adv.

Mr. N.M.Varghese, Adv.

Ms. Tessy Varghese, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

In this petition filed under Article 32 of the Constitution, the petitioner has made the following substantive prayers:

"a) issue a writ, in the nature of mandamus or direction or order directing the respondent No.1-Union of India to issue a circular clarifying that inter-state agreements between the states shall not override the provisions under Section 88 of the Motor Vehicles Act, 1988 and the same do not give power to enter into any agreement for grant of permit or counter signature exclusively for buses owned and operated by the State Transport Undertaking.

b) declare that the principal reciprocal agreement Notification No. RD 70 TMI 71 executed in 29th June, 1976 between the respondent No.2-State of Karnataka and respondent No.3-State of Kerala are still in operation and the rights and privileges of the private bus operators, emerging from the agreement in 1976 is not ceased existence on the execution of fourth supplemental reciprocal agreement in 2009.

c) declare that the fourth supplemental reciprocal agreement notified as G.O.(P) No.21/2009/Tran. dated 6th February, 2009 between the State of Karnataka and the State of Kerala has been executed without giving sufficient opportunity to the interested parties for submission of objections and without appreciating the grievance of general public though the technical formalities under Section 88(5) of the Motor Vehicles Act, 1988 are complied with as such the notification in 2009 between the states in arbitrary, illegal and without force of law.

d) declare that the fourth supplemental reciprocal agreement

notified as G.O.(P) No.21/2009/Tran. dated 6th February, 2009 between the State of Karnataka and the State of Kerala as ultra virus and unconstitutional as the same infringe the rights under Article 14, Article 19(1)(g) and Article 21 of the Constitution of India and to quash and set aside the same.

e) issue a writ, in the nature of mandamus or direction or order directing the respondent No.4-State Transport Authority of Karnataka to grant interstate permit to the petitioner and directing the respondent No.5-State Transport Authority of Kerala to validate the permit by counter signature for operating buses in the inter-state Mangalore-Kasargode route."

After making submissions for a while, learned counsel for the petitioner made a request that his client may be permitted to withdraw this petition with liberty to file writ petition under Article 226 of the Constitution before the jurisdictional High Court.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

| (Parveen Kr.Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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