

(2011) 03 KAR CK 0327
In the Karnataka High Court
Case No : Writ Petition 11139 of 2011

Mysore Auto Rickshaw Drivers Union

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 25-03-2011

Acts Referred:

Motor Vehicles Act, 1988 — Section 67 (i)

Citation : (2011) 03 KAR CK 0327

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : R.S. Ravi, for the Appellant; K.M. Shivayogiswamy, GP for R2-7 and Y. Hariprasad, for R1, for the Respondent

Final Decision : Dismissed

Judgement

Huluvadi G. Ramesh, J.—The Petitioner has sought for quashing the notification dated 7.10.2008 - annexure A issued by the 2nd Respondent and the letter dated 20.1.2011 - annexure H issued by Respondents 6 and 7 and for a direction to Respondents 1 to 4 to provide more LPG bunks at Mysore City pursuant to the notification at annexure A.

2. Petitioner is an Association of Autorickshaw Drivers at Mysore City. By the order dated 7.10.2008, by way of notification u/s 67(i) of the Central Motor Vehicles Act, 1988, the cut off date was fixed for various models of autorickshaws, calling upon them to convert autorickshaw which are run on petrol to run by using LPG kit. According to the Petitioners, in all about 17,534 autorickshaws are operating in Mysore City. On the ground that coercive steps would be taken by the Respondent authority to introduce operation of LPG run autorickshaws, they are before this Court contending that there are no sufficient number of LPG fuelling stations at Mysore City and accordingly, seek for quashing the notification.

3. Heard the counsel representing the parties.

4. After hearing the counsel for the Petitioner, Government Pleader and the counsel representing the Central Government, it is noticed that as many as eight LPG fuelling stations are established in Mysore City long back. It is also the apprehension of persons who have established LPG fuelling stations that they are not getting sufficient number of customers and, for want of customers, they are facing financial hardship and business is slack. However, it is the apprehension of the Petitioners that there are no sufficient number of LPG fuelling stations to meet the demand of the existing, autorickshaws on such conversion of petrol run vehicles to that of LPG run vehicles.

5. After noticing certain documents produced by the Government Pleader, the statistics, the existence of eight LPG Fuelling stations and also the letters from various petroleum corporations which depict that there is no dearth of LPG stations to cover/meet the requirement of autorickshaws. I am of the opinion, there is no merit in the contention of the Petitioners seeking for quashing of the notification at annexure A.

6. Accordingly, petition is dismissed. However, in modification of the order/ notification at annexure A. another eight weeks time is granted for the operators to convert their vehicle running on petrol, to run on LPG.