

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

FRIDAY, THE 27TH DAY OF OCTOBER 2023 / 5TH KARTHIKA, 1945

WP(C) NO. 29378 OF 2023

PETITIONER:

KOZHIKODE ONLINE TAXI DRIVERS UNION
14/481, NECHOOOLI, P.O.CHOOOLUR, KOZHIKODE - 673601,
REPRESENTED BY ITS SECRETARY, SANTHOSH KUMAR P., AGED
40 YEARS, S/O RAMUNNI NAIR, RAMALAYAM HOUSE,
P.O.CHOOOLUR, KOZHIKODE, PIN - 673601
BY ADVS.
R.SUDHISH
M.MANJU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, CENTRAL SECRETARIAT, NEW DELHI,
PIN - 110001
- 3 THE SECRETARY
TRANSPORT DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM, PIN - 695001
- 4 THE TRANSPORT COMMISSIONER
MOTOR VEHICLE DEPARTMENT, GOVERNMENT OF KERALA,
VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695014
BY ADV P.R.AJITH KUMAR

ADV.JOBY JOSEPH-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 27th day of October, 2023

The present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:

- i. Issue a writ of mandamus or any other appropriate writ, direction or order commanding the 1st respondent to formulate rules for enforcing the amendment in section 93 of Motor Vehicles Act, 1981 amended by the Amending Act 32 of 2019 and for regulating the aggregators immediately in accordance with Exhibit P2, within a time fixed by this Hon'ble Court as per the provisions of law.*
- ii) Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to consider Exhibit P3 representation preferred by the petitioner immediately within a time fixed by this Hon'ble Court as per the provisions of law.*
- iii) Dispense with the production of translation of vernacular documents produced in the writ petition.*
- iv) Issue such other writ, order or direction which this Honorable Court may deem fit and proper in the facts and circumstances of this case.*

2. The petitioner claims to be the union of persons who are taxi driver by profession and

currently engaged in online taxi service through various aggregators at Kozhikode.

3. The Motor Vehicles Act was Amended by Amending Act, 32 of 2019 to comprehend aggregators within the scope of its regulatory provisions.

4. In pursuance to the amendment brought in 2019, the Central Government, the Ministry of Road Transport and Highways had formulated the Motor Vehicle Aggregator Guidelines 2020. These guidelines are guiding framework for State Government for issuance of licenses to transport aggregators and for the purposes of regulating the business conducted by such aggregators.

5. The grievance of the petitioner is that despite the amendment in the Motor Vehicles Act and Ext.P2 guidelines issued by the Central Government, the State Government has not take necessary steps for the purposes of enforcing the provisions of

Chapter and more particularly, Section 93(1) of the Motor Vehicles Act.

6. In pursuance to the direction issued by this Court, the 3rd respondent has filed the statement. Paragraph 5 and 6 of the statement would read as under.

"5. Central Govt. is empowered to formulate rules for Aggregators for public service vehicles all over India. In accordance with the Motor Vehicle Aggregator Guidelines, 2020 issued by the Central Government, steps has been initiated by Government of Kerala, for implementing it in the State of Kerala. The said process is its final stage. The Transport Commissioner of Kerala has submitted a draft policy for the State of Kerala, formulated on the basis of Motor Vehicle Aggregator Guidelines published by the Central Government. Various meetings were convened by the Hon'ble Minister for Transport in this regard and the matter was discussed in detail and the Transport Commissioner has been directed to modify and submit the modified draft guidelines.

6. However the Government of Kerala now decided in principle to limit the said policy for the vehicles

upto seven seat capacity including driver. The modified draft will be submitted to the Government at the earliest by the Transport Commissioner. And the Government of Kerala will act upon the same as early as possible."

7. Considering the fact that the State Government has taken substantial steps to implement the Aggregator Guidelines 2020 in pursuance to the amendment in Section 93 of the Motor Vehicles Act which was brought in the year 2019, the present writ petition is disposed of with direction to the respondent to finalise the scheme for implementing the aggregators guidelines 2020 issued by the Central Government at the earliest, preferably within a period of two months.

With aforesaid direction, the present writ petition stands finally disposed of.

Sd/-

DINESH KUMAR SINGH
JUDGE

AP

APPENDIX OF WP(C) 29378/2023

PETITIONER EXHIBITS

Exhibit P1	COPY OF THE REGISTRATION CERTIFICATE OF KOZHIKODE ONLINE TAXI DRIVERS UNION DATED 17.9.2019
Exhibit P2	COPY OF THE MOTOR VEHICLE AGGREGATOR GUIDELINES 2020
Exhibit P3	COPY OF THE REPRESENTATION PREFERRED THROUGH E-MAIL BY THE PETITIONER UNION THROUGH ITS SECRETARY TO THE MINISTER, TRANSPORT DEPARTMENT DATED 3.2.2023
Exhibit P4	COPY OF THE COMMUNICATION FROM THE 3RD RESPONDENT DATED 8.2.2023
Exhibit P5	COPY OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY DATED 02.03.2023