

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

WP(C) No. 1191/2024  
CM No. 3290/2024

M/S Tourist Taxi Stand No. 1 Pahalgam & Anr. ...Petitioner(s)

Through: Mr. Arif Sikander, Advocate.

Union Territory of J&K and Others. ...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA.

CORAM:

HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE.

ORDER  
03.06.2024

01. In this petition, the petitioners whose vehicles have been registered with Tourist Taxi Stand No. 1 and Tourist Taxi Stand No. 2, Pahalgam, have filed this petition, seeking a Writ of Certiorari, to quash the decision dated 16<sup>th</sup> April, 2024 of a Committee headed by Director, Tourism Kashmir, whereby in addition to the taxis registered with Tourist Taxi Stand No. 1 and Tourist Taxi Stand No. 2, Pahalgam, the in-bound taxis as are registered with recognized taxi stands, have also been permitted to ply their taxis for local site seeing to Aru Valley, Betab Valley, Chandanwari etc. The petitioners also pray for a direction to the respondents not to interfere or cause an interference in plying of the taxis registered with the two Taxi Stands in Pahalgam.

02. The grievance of the petitioners is that the respondents have restricted the registration of tourist taxis with Tourist Taxi Stand No. 1 and Tourist Taxi Stand No. 2, Pahalgam, to only 600 vehicles and there is ban imposed upon these taxi stands to register more vehicles. It is submitted

that the taxis registered with these two stands at Pahalgam, are only permitted to ply their vehicles in Pahalgam and its adjoining areas like Aru Valley, Betab Valley, Chandanwari etc. It is submitted that in case the taxis from other recognized taxi stands like Anantnag, Srinagar and other areas are also permitted to ply in Pahalgam, it would create a traffic chaos on these routes and at the same time, would deprive the petitioners of their right to livelihood.

03. It seems that the provocation to take the impugned decision owes its origin to the complaints by the tourists about the charging of exorbitant rates by the taxis operators, operating from Taxi Stand No. 1 and Taxi Stand No. 2, Pahalgam. It is with a view to streamline the operation of the taxis in the area of Pahalgam and to ensure that there is healthy competition, the impugned decision appears to have been taken by a Committee headed by the Director, Tourism, which held its meeting on 13<sup>th</sup> April, 2024. The decision, as is apparent from its perusal, is taken in the context of the communication of the Deputy Director, Tourism Kashmir, bearing No. PS/06/DTK/671 dated 16<sup>th</sup> March, 2024, to promote healthy competition and to break the monopoly of the taxis registered with Taxi Stand No. 1 and No. 2. However, in a bid to do so, the respondents have forgotten to keep in mind that the taxis can operate only on the routes for which they hold the permit. The respondents also need to take note that they had, before the Division Bench, submitted an affidavit in WP(C) PIL No. 19/2021, bringing to the notice of the Division Bench, the following decisions taken by the Pahalgam Development Authority:

- (i) Sumo Taxi Stand No. 1 and Stand No. 2 at Pahalgam, will not register any new vehicle as the vehicles registered with the said sumo stands is currently 600 approximately, which is sufficient to meet the traffic demands of Pahalgam;
- (ii) That no commercial vehicle except registered with Taxi Stands, shall be allowed to ply from Pahalgam to Aru or Chandanwari.

04. From the aforesaid reply affidavit filed by the Deputy Commissioner, Anantang, it transpires that at one point of time, it was decided by the Pahalgam Development Authority that they will only allow approximately 600 vehicles registered with Taxi Stand No. 1 and Taxi Stand No. 2, Pahalgam, to ply from Pahalgam to Aru, Betab Valley or Chandanwari, but later on due to the pouring in of the complaints by the tourists about the exorbitant charging of rates by the petitioners, the impugned decision appears to have been taken.

05. It is alleged by the learned counsel for the petitioners that the impugned decision could not have been taken by the respondents for the reason that the basis of such decision i.e. the communication of Deputy Director, Tourism, dated 16<sup>th</sup> March, 2024, had been stayed by this Court vide Order dated 12<sup>th</sup> April, 2024 passed in WP(C) No. 738/2024.

06. This Court is at pains to observe that the respondents have failed to regulate the fair charging of rates by the taxi operators. It is unthinkable in this era of digital world that the taxi operators who are registered with the Department of Tourism, can still charge exorbitant rates and fleece the tourists. I think the Pahalgam Development Authority has to rise to the occasion and put in place measures like making provision of prepaid taxis, so that no tourist operator can dare to charge the rate higher than fixed by the Department of Tourism. The respondents shall also be well within their right to cancel the registration of such taxi operators, who are found to have charged the rate higher than the one fixed by the competent authority. This, however, may be done by the competent authority after providing an opportunity of being heard to the said operators.

07. This petition is accordingly disposed of by providing that the respondents shall not permit any taxi operator to operate its taxi on a route for which it does not hold the valid permit for plying the vehicles from Pahalgam to Aru Valley, Betab Valley, Chandanwari etc. and other tourist destinations, within the jurisdiction of Pahalgam Development Authority. The respondents, however, shall be free to come up with a comprehensive policy to ensure that the taxi operators whose livelihood is dependent upon the tourism in the Pahalgam area, are not deprived of their opportunity of

livelihood and at the same time, ensure that there is no traffic chaos created in the township of Pahalgam and in the areas aforementioned.

08. With the aforesaid observations, this writ petition shall stand **disposed of** along with connected CM(s).

(SANJEEV KUMAR)  
JUDGE

SRINAGAR:

03.06.2024

"HAMID"

