

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.648/2024

Piaggio Vehicles Private Limited, represented by its Authorized Representative, having its Corporate office at 1st Floor Sky One Corporate Park, Survey Number 239/02, Airport Road, Viman Nagar, Pune, Maharashtra, India, Pin-411032, and its registered office at E-2 MIDC Area, Baramati, District-Pune, Maharashtra, India, Pin-41313.

..... Petitioner(s).

V E R S U S

1. The State of Tripura, represented by the Secretary, Department of Transport, Government of Tripura, having his office at New Secretariat Complex, Gurkhabasti, Agartala, P.O.-Kunjaban, P.S.-New Capital Complex, Sub-Division-Sadar, District-West Tripura.

2. The Transport Commissioner, Government of Tripura, having his office at Paribahan Bhavan, Astabol, Northgate, P.O.-Agartala, P.S.-East Agartala, Sub-Division-Sadar, District-West Tripura, Pin-799001.

3. The Chief Motor Vehicle Inspector (Registering Authority), Government of Tripura, having his office at Paribahan Bhavan, Astabol, Northgate, P.O.-Agartala, P.S.-East Agartala, Sub-Division-Sadar, District-West Tripura, Pin-799001.

4. The State Transport Authority, Tripura, represented by its Chairman, having his office at Paribahan Bhavan, Astabol, Northgate, P.O.-Agartala, P.S.-East Agartala, Sub-Division-Sadar, District-West Tripura, Pin-799001.

.....Respondent(s).

For Petitioner(s)

: Mr. T. Sundar Ramanathan, Advocate,
Mr. Krishan Singhal, Advocate,
Mr. Anupam Paul, Advocate,
Ms. Sukanya Viswanathan, Advocate.

For Respondent(s)

: Mr. S.M. Chakraborty, Advocate General,
Mr. Dipankar Sarma, Addl. G.A.,
Ms. P. Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

17/12/2024

Heard Mr. T. Sundar Ramanathan, learned counsel assisted by Mr. Krishan Singhal, Mr. Anupam Paul and Ms Sukanya Viswanathan, learned counsel appearing for the petitioner and Mr. S.M. Chakraborty, learned

Advocate General assisted by Ms. P. Chakraborty, learned counsel appearing for the respondents-State.

2. The writ petition was preferred with the following prayers:

"(i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a writ of **Certiorari** and/or in the nature thereof, shall not be issued, quashing/setting aside the impugned Notification dated 01.07.2024 (Annexure-10 supra), issued by the Transport Department, Government of Tripura, being unconstitutional and *ultra vires* the Motor Vehicles Act, 1988;

(ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of **Mandamus** and/or in the nature thereof, shall not be issued, mandating/commending them, to allow registration of the "e-autos" manufactured by the Petitioner in the Agartala Municipal Corporation Area of the West Tripura District;

(iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of **Prohibition** and/or in the nature thereof, shall not be issued, prohibiting the Respondents from acting pursuant to the impugned Notification dated 01.07.2024 (Annexure-10 supra), issued by the Transport Department, Government of Tripura;

(iv) In the Ad-interim, and thereafter, on hearing the parties, in the Interim, an order in terms of (i), (ii) and (iii) above;

(v) Call for the records, appertaining to this writ petition;

(vi) After hearing the parties, be pleased to make the Rule absolute in terms of (i) to (iii) above;

(vii) Costs of and incidental to this proceeding;

(viii) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

3. Matter was taken up earlier on 07.10.2024 when the following order was passed asking the learned counsel for the respondents-State to seek instructions:

"Learned counsel for the petitioner submits that the impugned notification dated 01.07.2024 issued by the Transport Department, Government of Tripura has for the purported reason of managing traffic congestion and ensuring public safety and convenience to promote alternative transportation methods banned the registration of all three wheeler passenger and goods vehicles which include e-Rickshaws, e-Cart, e-Auto, Petrol Auto, Diesel Auto and CNG Auto and vehicle driven on bio-fuel (methanol and ethanol) w.e.f. 10.07.2024 in the territorial limits of Agartala Municipal Corporation area, West Tripura District under Section 115 of the Motor Vehicles Act, 1988 whereas no such power to ban registration of the vehicle is provided thereunder. The impugned notification is also in teeth of the right to freedom to carry on business, trade or profession under Article 19(1)(g) of the

Constitution of India and moreover, the prohibition on registration of vehicles in the city of Agartala would not fall in any of the reasonable restrictions imposed under Article 19(6) of the Constitution of India. Therefore, petitioner has approached this Court.

Learned counsel for the State is allowed time to seek instructions.

Let the matter appear on **11.11.2024**."

4. When the matter was taken up on 03.12.2024, learned counsel for the petitioner had pointed out from his pleadings and the stand of the respondents in their counter affidavit that in no case the State Government is authorized to ban registration of vehicles under Section 115 of the Motor Vehicles Act, 1988 even with the purported object of public safety or convenience. Learned counsel for the State on being confronted with this issue again sought time to deliberate with the respondent officials so that if necessary, the said notification can be revoked.

5. Today when the matter has been taken up, Mr. S.M. Chakraborty, learned Advocate General appearing for the State, on instructions, submits that the State has decided to withdraw the impugned notification dated 01.07.2024. Therefore, the writ petition may be disposed of on those lines.

6. Learned counsel for the petitioner submits that in view of the stand taken on behalf of the State by learned Advocate General, there is no reason to press the writ petition further.

7. The impugned notification reads as under:

**"TRANSPORT DEPARTMENT
GOVERNMENT OF TRIPURA**

File.No.5(11)-TRANS/2018/581 Dated, Agartala, the 1st July, 2024.

NOTIFICATION

Subject: *Ban on registration of all types of 3-Wheeler passengers and goods vehicles in Agartala Municipal Corporation area of West Tripura District*

In exercise of the powers conferred by Section 115 of MV Act 1988 and for the interest of promoting sustainable urban mobility, the Transport Department, Government of Tripura hereby imposes ban on registration of all types of 3-Wheeler passenger and goods vehicles on and from 10th July, 2024 in Agartala Municipal Corporation area of West Tripura District. ***All these 3-wheeler passenger & goods vehicles shall include e-Rickshaws, e-Cart, e-Auto, Petrol Auto, Diesel Auto & CNG Auto and vehicle driven on bio-fuel (methanol & ethanol).***

2. This notification aims to manage traffic congestion & ensure public safety and convenience, to promote alternative transportation methods by banning the registration of said passengers & goods vehicles in greater public interest.

3. Therefore, any ***such vehicle as specified above shall not be registered on or after 10th July, 2024*** in the territorial limits of Agartala Municipal Corporation area, West Tripura District.

4. The Transport Commissioner and DTO, West are hereby directed to ensure strict compliance of the same.

5. The Transport Department, Government of Tripura shall review the effect of this restriction on the urban mobility from time to time and shall have right to review and amend this notification as per need.

This is issued in cancellation of earlier Notification No.5(11)-TRANS/2028 Dated 25th January, 2024 and subsequent order issued vide No.F. 5(11)-TRANS/2018/673 dated 27th May, 2024.

By order of Governor
Sd/- (Maitroyee Debnath)
(01.07.2024)
Deputy Secretary to the
Government of Tripura
Transport Department."

8. However, since the respondents-State has decided to withdraw the said notification after due deliberation, the challenge thereto does not survive.

9. Accordingly, the writ petition is disposed of as infructuous. It is expected that the impugned notification would be withdrawn by a formal order/notification within a period of one week.

10. Pending application(s), if any, shall also stand disposed of.

(S.D. PURKAYASTHA), J (APARESH KUMAR SINGH), CJ

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