

GAHC010241202015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4994/2015

SOCIETY OF INDIAN AUTOMOBILE MANUFACTURERS and ANR
HAVING ITS OFFICE AT CORE4B, 5TH FLOOR, INDIA HABITAT CENTRE
LODI ROAD, NEW DELHI-110003 ACTING THROUGH ITS SENIOR
DIRECTOR- MR. ATANUR GANGULI

2: MR. SHANTA PRASAD CHAKRAVARTY
PROPRIETOR OF M/S PASUPATI TRADERS
P.N. ROAD
CHIRING CHAPORI DIBRUGARH
ASSAM- 786001

VERSUS

THE STATE OF ASSAM AND 2 ORS
THROUGH THE CHIEF SECRETARY, GOVERNMENT OF ASSAM ASSAM
SACHIVALAYA BLOCK-C, 3RD FLOOR, DISPUR, GUWAHATI- 781006,
ASSAM.

2:DEPARTMENT OF TRANSPORT

STATE OF ASSAM THROUGH THE COMMISSIONER OF TRANSPORT
PARIBAHAN BHAWAN
JAWAHAR NAGAR
KHANPARA
GUWAHATI- 781022
ASSAM.

3:DISTRICT TRANSPORT OFFICER

DIBRUGARH
A.T. ROAD
PHOOL BAGAN P.O. DIBRUGARH DIST. DIBRUGARH
ASSAM

Linked Case : WP(C)/4667/2015

MARUTI SUZUKI INDIA LIMITED and ANR.
THROUGH IT AUTHORISED SIGNATORY
REGISTERED UNDER THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT 1
NELSON MANDELA ROAD
VASANT KUNJ
NEW DELHI- 110070
DELHI
INDIA.

2: SUJATHA BALACHANDER
W/O BALA BALACHANDER
RESIDENT OF D-97
ANAND NIETAN
NEW DELHI-110021.
VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE CHIEF SECRETARY
GOVT. OF ASSAM
ASSAM SACHIVALAYA
BLOCK-C
3RD FLOOR
DISPUR
GUWAHATI- 781006
ASSAM.

2:DEPARTMENT OF TRANSPORT

STATE OF ASSAM
THROUGH THE COMMISSIONER OF TRANSPORT
PARIBAHAN BHAWAN
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22
ASSAM.

3:OFFICE OF DISTRICT TRANSPORT OFFICER

DIBRUGARH
ASSAM
STATE OF ASSAM
THROUGH THE DISTRICT TRANSPORT OFFICER
DIBRUGARH
A.T. ROAD

PHOOL BAGAN
P.O. DIBRUGARH
DIST. DIBRUGARH
ASSAM.

For the Petitioner(s) : Mr. S. Narayan, Advocate
: Mr. D. Das, Advocate

For the Respondent(s) : Ms. M. D. Borah, SC, Transport Department

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 01.02.2024

Heard Mr. S. Narayan, the learned counsel appearing on behalf of the writ petitioners in WP(C) No.4994/2015 and Mr. D. Das, the learned counsel appearing on behalf of the writ petitioners in WP(C) No.4667/2015. I have also heard Ms. M. D. Borah, the learned Standing counsel appearing on behalf of the Transport Department.

2. Both the writ petitions have been filed challenging the WT Message dated 06.08.2015 issued by the Joint Commissioner of Transport, Assam as well as the Office order dated 07.08.2015 issued by the District Transport Officer, Dibrugarh, Assam.

3. From a perusal of the impugned WT Message as well as the impugned Office Order, it reveals that the said orders were passed in pursuance to certain interim directions passed by the learned Division Bench of this Court in PIL No.42/2015 and PIL No.38/2015. It has been stated at the bar that the said two PIL in the meantime have already been dismissed by the learned Division Bench of this Court and the said interim orders have also lost its force.

4. Be that as it may, it has also been submitted by the learned counsels for the Petitioners that the manufacturers of the vehicles who are the members of the Petitioner in WP(C) No.4994/2015 as well as the Petitioners in WP(C) No.4667/2015 have duly complied with the crash test and emission test and such reports are duly submitted before the concerned authority.

5. Ms. M. D. Borah, the learned Standing counsel appearing on behalf of the Transport Department submitted that if a vehicle is required to be registered, it is the requirement that the said vehicles confirm with the Motor Vehicles Act, 1988 and the Rules framed thereinunder. The Transport Department of the Government of Assam has no objection in registering such vehicles which duly confirm with the said Act and the Rules.

6. Taking into account the above, this Court disposes of both the writ petitions by setting aside and quashing WT Message dated 06.08.2015 as well as the Office Order dated 07.08.2015 and further directing the Respondents Authorities to carry out the registration subject to compliance with the provisions of the Motor Vehicles Act, 1988 as well as the Rules framed thereinunder.

JUDGE

Comparing Assistant