

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**WP(C) 88/2024
CM (150/2024)**

Bilal Ahmad Pandith

...Petitioner(s)

Through: Mr. Nisar Ahmad Bhat, Advocate.

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Mohd. Yousuf Wani, Judge.

ORDER

18.03.2025

01. Through the medium of the instant writ petition filed under the provisions of Article 226 of the Constitution of India, the petitioner has sought the issuance of writs of mandamus and prohibition upon the respondents, for adherence to the provisions of J&K Motor Vehicles Rules of 1991, as amended vide SO Notification No. 653 dated 5th December, 2022, while granting permits to the transport vehicles and for prohibiting from issuing any permit to the vehicles having BS-II, BS-III and BS-IV Emission Standards, as being contrary to the aforementioned rules.

02. It is needful to mention here that the respondents through their counsel Mr. Satinder Singh Kala, learned Additional Advocate General, appeared in the matter on 31st

January, 2024 and questioned the locus standi of the writ petitioner to file the instant petition.

03. Heard the learned counsel for the petitioner regarding the maintainability of the petition and considered his submissions.

04. In the facts and circumstances of the case, this Court is of the opinion that the matter notwithstanding the addressal of the issue of maintainability, can be disposed of at this threshold stage by passing some appropriate directions, which otherwise are meant to be obeyed under law.

05. The case of the petitioner is that, he and other transporters, who are law abiding citizens of the Country, are following the mandate of SO Notification No. 653 dated 5th December, 2023, as their vehicles are fulfilling the norms of BS-VI Emission Standards, but the respondents by granting the permit in respect of the vehicles having BS-II, BS-III and BS-IV Emission Standards, are violating the law and also causing damage and wrongful loss to him. That he has paid a huge amount for purchasing the new vehicles, so as to bring them within the norms as contained under SO Notification No. 653 dated 5th December, 2022, but unfortunately, the other persons/transporters who are purchasing old vehicles from outside Jammu and Kashmir, are being granted permits having BS-II, BS-III and BS-IV

Emission Standards, in violation of the mandate of the aforesaid rules, governing the subject, more particularly the aforementioned SO. That the action of the respondents is thus not only discriminatory in nature, but also violative of the norms as prescribed under SO Notification No. 653 dated 5th December, 2022 issued by the Government in this behalf.

06. In the facts and circumstances of the case, the instant petition is taken up for final disposal and is accordingly disposed of with the direction to the respondents to look into the grievance of the petitioner as projected in the instant petition and act strictly in respect of the subject matter of the writ petition, in accordance with the rules and regulations including SO Notification No. 653 dated 5th December, 2022.

07. Writ petition ***disposed of*** along with connected CM.

(Mohd. Yousuf Wani)
Judge

SRINAGAR:

18.03.2025

"HAMID"