

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6533 OF 2014

Anil Dharamraj Kataria

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.N.C.Phadnis, counsel for the petitioner.
Mr.N.R.Patil, AGP for the respondents.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 29.06.2015.

Heard.

By this petition, the petitioner challenges the order of the respondents, rejecting the application filed by the petitioner for grant of fitness certificate in respect of the six seater auto rickshaw operated by the petitioner.

Inter alia, the impugned order is challenged by the petitioner on the ground that the application of the petitioner has been rejected without inspecting the vehicle. It is stated that it would be necessary for the respondents to inspect the vehicle before passing an order on the application for grant of fitness certificate.

Shri Patil, the learned Assistant Government Pleader appearing on behalf of the respondent Nos.1 to 6, fairly states that the respondent Nos.5 and 6 have not inspected the vehicle of the petitioner before refusing the fitness certificate.

Since it was necessary for the respondent Nos.5 and 6 to inspect the auto rickshaw of the petitioner before granting or refusing to grant the fitness certificate, the impugned order is liable to be set aside. In our view, the fitness or otherwise of a vehicle cannot be adjudged without inspecting the vehicle.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The respondent Nos.5 and 6 are directed to decide the application of the petitioner as early as possible and positively within a period of four weeks.

The learned counsel for the petitioner states that the petitioner would take the vehicle/auto rickshaw to the Office of the respondent Nos.5 and 6 on 10th of July, 2015 so that issuance of notice to the petitioner for production of the vehicle could be dispensed with.

Order accordingly. No costs.

JUDGE

JUDGE