

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-
WRIT PETITION No.27239 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more especially in the nature of mandamus declaring the action of 2nd respondent in not issuing a fitness certificate to the petitioner's vehicle TATA ACE MAGIC HT 7 Seater BS-1 with registration number AP 05 TV 7076 as illegal and arbitrary and therefore consequently direct the 2nd respondent to check petitioner's vehicle and issue the fitness certificate and pass such other or further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

2 . When the matter is called, a Memo bearing No.31925/A1/2014, dated 21.08.2015, issued by the office of the Deputy Transport Commissioner, Kakinada, East Godavari District, has been placed on record by the learned Government Pleader for Transport appearing for the respondents. To the extent of relevancy for the present case, the said Memo reads as under:

“Hence, working into the facts of the case, I here by authorized Motor Vehicles Inspector, Amalapuram, to inspect the vehicle along with Motor Vehicles Inspector, Ravulapalem, for inspection of vehicle to obtained renewal of Fitness Certificate of your client vehicle on 27.08.2015 at 11.00 A.M. at office of the Regional Transport Officer, Amalapuram, positively under the control of Regional Transport Officer, Amalapuram, along with valid original records of the vehicle.

The Regional Transport Officer, Amalapuram, shall look into the matter to renew the Fitness Certificate of the vehicle interms of Sec.56 of M.V.Act read with Rules 62 and 81 C.M.V.Rules, 1989.”

3. While referring to the contents of the above said memo, it is submitted by the learned Government Pleader that it is open for the petitioner herein to approach the Motor Vehicles Inspector, Amalapuram, with a request for renewal of Fitness Certificate.
4. Recording the said submission, Writ Petition is disposed of, permitting the petitioner herein to approach the Motor Vehicles Inspector, Amalapuram, with a request for renewal of Fitness Certificate, as per Memo No.31925/A1/2014, dated 21.08.2015, between next Wednesday and Friday at 11.00 A.M.
5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

02nd September, 2015
SS

Note: issue CC in two days
B/o. SS