

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.P.No.42788 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

The petitioner-in-person, purporting to act in public interest, challenges the legality of G.O.Ms.No.44, Transport, Roads & Buildings (Tr.I) dated 15.10.2015 by way of this writ petition.

At the first instance, the petitioner filed PIL.No.329 of 2015 with the following:

“....this Hon'ble Court may be pleased to issue an appropriate, writ, order or direction more particularly one in the nature of Writ of Mandamus; To declare as G.O.MS.No.44,TR&B(Tr.I) dated 15/10/2015, as unconstitutional, issued by Respondent 2 which inserted Rule 81-A, into Telangana Motor Vehicle Rules 1989, wherein Respondent 2 notified to substitute State Code TS allotted by Respondent 1, to all Motor vehicles registered before date 09/06/2015, which as effect from 09/06/2014, vide notifications S.O 1324(E), dated 19/05/2014 r/w S.O 1486(E), dated 09/06/2014, a) is out of reach of Executive competency of Respondent 2 rule making power, as Sec 212(2) of CMV Act 1988 precludes any retrospective operation of rule made under Act, a Central Act, is thus violative of Art 256 and violative of rule of law, a Basic feature of constitution, b) is violative of Articles 21, Art 14, and Art 19(d) by disrupting hassle commuting to motor vehicles registered before 02.06.2014 plying through out Telangana and Residuary AP c) is in incongruous with Sec 39 r/w Sec 72 of AP Reorganization Act, Sec 46 of CMV Act 1988 and Rule 49 of CMV Rules 1989, d) as Respondent 2 arrogated itself to tyrannical proportion harass motor vehicle owners by depriving proprietary interest created by law, who got motor vehicle registration mark in combined state of Erstwhile Andhra Pradesh before 02/06/2014, thus violative of Art 300A and affects dignity of Citizen.”.

On 16.11.2015, this Court passed the following order:

“The petitioner-in-person prays for withdrawal of the public interest litigation (PIL) with liberty to file appropriate proceedings for redressal of his grievance.

PIL is disposed of as withdrawn with liberty as prayed”.
(emphasis added)

On 14.12.2015, the party-in-person files the writ petition for the following relief:

“...this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus; to declare as G.O.MS.No.44,TR&B(Tr.I) dated 15/10/2015, as unconstitutional, ultra vires CMV Act 1988, issued by Respondent 2 which inserted Rule 81-A, into Telangana Motor Vehicle Rules 1989, wherein Respondent 2 notified to substitute State Code TS allotted by Respondent 1, to all Motor vehicles registered before date 09/06/2015, which has effect from 09/06/2014, vide notifications S.O 1324(E), dated 19/05/2014 r/w S.O 1486(E), dated 09/06/2014(if valid), a) is out of reach of Executive competency of Respondent 2 rule making power under Sec 65 of CMV Act 1988, and is incongruous with Rule 49 of CMV rule, made by Respondent 1 under Sec 64 of CMV Act 1988. b) Violative of Sec 41(6) r/w Sec 46 and Sec 212(2) of CMV Act 1988, as conjoint reading of aforesaid Sections of CMV Act 1988, precludes any retrospective operation of rule or notifications, c) is violative of Art 21, Art 14, and Art 19(d) and is in incongruous with Sec 39 r/w Sec 72 of AP Reorganization Act, thus by disrupting hassle free commuting to motor vehicles registered before 02/06/2014 plying through out Telangana and Residuary AP, d) as Respondent 2 arrogated itself to tyrannical proportion to harass motor vehicle owners by depriving proprietary interest created by law, who got motor vehicle registration mark in combined state of Erstwhile Andhra Pradesh before 02/06/2014, thus violative of Art 300A and affects dignity of Citizen”.

Mr.A.Sanjeev Kumar, learned Special Government Pleader, draws our attention to the averments made in the affidavit filed in support of the present writ petition. For the purpose of maintaining the dignity and decorum of orders of this Court, we refrain from referring to irrelevant, careless and casual statements made by the party-in-person in the writ affidavit, but to appreciate the intention of petitioner's approach, we have read carefully paragraphs 4, 26.3 to 26.8 of the affidavit. From these averments, it is clear that the petitioner substantially complains against the acceptance of his request to withdraw the PIL and seeks review of the order of this Court in PIL.No.329 of 2015 for the reasons stated in the present affidavit. We are compelled to observe that in spite of our bringing to the notice of the petitioner that with the dismissal of the PIL, none of his rights/grievances, if otherwise justiciable, are not affected and the averments in the affidavit are unwarranted. The petitioner insisted upon to decide the legality of

GO in the present form and by reference to present writ affidavit.

We are satisfied that in the name of public interest or individual grievance, the party-in-person is expanding the scope of judicial review by this Court. As the petitioner is appearing in person, we are not discussing the issue further and make observations against party-in-person. The writ petition does not show cause of action for considering the legality of impugned GO.

The writ petition fails and is, accordingly, dismissed.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 20.01.2016
Lrkm