

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition Nos.8719 and 12114 of 2009

COMMON ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The relief sought for in these writ petitions is to declare Rule 118 of the Central Motor Vehicles Rules 1989 as *ultra vires* the provisions of Section 110 of the Motor Vehicles Act, 1988; to declare notification in G.O.Ms.No.362 dated 28.12.2007 as illegal and contrary to law; and to declare Circular Memo dated 23.12.2008 as illegal and contrary to law.

The validity of these provisions came up for consideration before a Division Bench of this Court in W.P.No.1291 of 2009 and batch and, by order dated 10.11.2010, all the writ petitions were dismissed granting liberty to the petitioners to challenge G.O.Ms.No.151 dated 14.07.2009. The Division Bench observed that the Government had issued G.O.Ms.No.151 dated 14.07.2009 in supersession of the earlier notification in G.O.Ms.No.362 dated 28.12.2007 limiting the maximum speed of the transport vehicles prescribed in the notification issued by the Government of India in their notification dated 19.06.1989; and no cause survives for adjudication in all those writ petitions, since the petitioners' grievance had been redressed with the issuance of G.O.Ms.No.151 dated 14.07.2009.

The subject matter of these writ petitions is covered by the aforesaid judgment of the Division Bench of this Court. Following the said judgment, and in terms thereof, these Writ Petitions are also dismissed granting liberty to the petitioners to challenge G.O.Ms.No.151 dated 14.07.2009. Miscellaneous petitions

pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

08th December, 2016
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Date: 08.12.2016

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