

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40901 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of the 3rd respondent – Deputy Transport Commissioner, Medak District at Sanga Reddy, in not renewing the fitness certificate of the petitioner's vehicle in spite of his repeated requests, as illegal and arbitrary.

2. I have heard the submissions of Sri *Shafath Ahmed Khan*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Transport appearing for the respondents 1 to 3. I have perused the material record.

3. At the time of hearing, learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3 are in agreement that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 25.04.2017, in W.P.No.15123 of 2017 and that, therefore, this writ petition can be disposed of in terms thereof.

4. This Court, while disposing of the afore-stated writ petition referred to the orders, dated 06.04.2017, in W.P.No.9570 of 2017 and extracted the operative portion of the said order, which reads as under:

“It may be noted that as long as the registration granted in favour of the petitioners is in subsistence and subject to the condition of the petitioners complying with the requirements of payment of the prescribed fees and producing the vehicles before the authorized testing stations, the respondent authorities, cannot deny the right of the petitioners for seeking fitness certificates of the vehicle as fitness certificates are essential in relation to

testifying the roadworthiness of the vehicles. The same has nothing to do with the registration of the vehicle.

In those circumstances, the writ petition is allowed directing the respondent authorities to allow the petitioners forthwith to submit their applications through online and process the same as expeditiously as possible and complete the testing formalities within a period of two weeks from the date of receipt of copy of this order. However, it is made clear that the respondent authorities may take action against the petitioners for furnishing the alleged fake addresses and getting their vehicles registered, in accordance with law. No order as to costs.”

5. In view of the submissions and the afore-stated orders, this Writ Petition is disposed of in terms of the order, dated 06.04.2017, in W.P.No.9570 of 2017.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.



JUSTICE M. SEETHARAMA MURTI

Date: 6th December, 2017

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