

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.46967 of 2018

ORDER:

- 1) Heard.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in not issuing the fitness certificate to the vehicle of the petitioner bearing registration No.TS-15 UA 3516, as illegal and arbitrary.
- 3) It is to be noted that in identical circumstances, this Court while deciding W.P.No.38379 of 2018 on 25.10.2018, passed an order in terms of the order passed in W.P.No.9570 of 2017 on 06.04.2017, the operative portion of 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 is 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.”

4) In view of the above, this writ petition is also disposed of in terms of the order dated 25.10.2018 in W.P.No.38379 of 2018.

5) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

27.12.2018
vhh

JUSTICE C. PRAVEEN KUMAR

