

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20971 of 2018
Date of Decision:23.08.2018

Mehar Singh and others

. Petitioners

Vs.

The State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sukhvir Singh Sahu, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the order dated 30.01.2018 passed by respondent No.2 dismissing their representations by passing a speaking order.

In brief, the petitioners are running mobile atta chakkis in the area of district Fatehabad. Earlier this Court decided the CWP No.4057 of 2002 wherein the petitioner sought a direction to stop plying of unauthorized mobile atta chakkis fitted on the tractor in Haryana and the counsel for the State therein brought to the notice of the Court a communication dated 6.5.2002 by which necessary instructions were issued to all the District Transport Officers including the one at Hisar to challan all agricultural tractors if found operating on hire or reward for commercial purposes. The instructions dated 6.05.2002 issued by the Transport Commissioner to all the District Transport Officers were that the operation of the mobile atta chakki, on hire or reward for the commercial purposes, without obtaining any goods carrier permit should be challaned and dealt with the provisions of the Motor

Fatehabad passed an order on 17.02.2018 that all mobile atta chakkis operating in violation of the Act should be stopped with immediate effect. Thereafter, various writ petitions were filed and one such *CWP No.9595 of 2017* titled as *“Harbans Singh and others Vs. State of Haryana and others”* was disposed of by this Court on 17.8.2017 with a direction to decide the representation of the petitioners therein who were aggrieved against the order for not plying of the mobile atta chakkis.

Apropos, the Transport Commissioner, Haryana vide his impugned order dated 30.01.2018 passed a detailed order and refused to grant permit to the said mobile atta chakkis on the ground that these do not fall in the category of agricultural tractor trolley or goods carrier vehicle as these mobile atta chakkis are just an arrangement (juggad).

Learned counsel for the petitioners has though argued vehemently that the impugned order is illegal and has submitted that it affects the constitutional right of the petitioners enshrined under Article 19 of the Constitution of India but he himself failed to point out as to how the said mobile atta chakki is a motor vehicle to which permit can be issued under the provisions of the Act. In the absence of anything pointed out in terms of the law, there is no scope found by this Court to interfere in the well reasoned impugned order and hence, the same is hereby dismissed. No cost.

(RAKESH KUMAR JAIN)
JUDGE

23.08.2018

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*