

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27280 OF 2019

Date:10.12.2019

Between:

Kothapally Madhu Babu, S/o. Thirupathaiah,
Aged about 24 years, Occ: Driver,
Owner of the vehicle No.TS 15UA 3605,
R/o.H.No.1-18, Kummari Basthai,
Old Hafeezpet, Miyapur, Hyderabad .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Transport Department,
Secretariat Buildings, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.27280 OF 2019****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Transport for the respondents.

2. This Writ Petition is filed to declare the action of the 3rd respondent – Deputy Transport Commissioner in not renewing the fitness of the petitioner's vehicle in spite of his repeated requests, as illegal and arbitrary.

3. When the matter is taken up, it is submitted by learned counsel for the petitioner and learned Government Pleader for Transport appearing for the respondents that the issue raised in the present writ petition is squarely covered by the order dated 06.04.2017 passed by this Court in W.P.No.9570 of 2017. The relevant portion of the aforesaid order 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.”

4. In view of the same, this Writ Petition is also allowed in terms of the order, dated 06.04.2017, in W.P.No.9570 of 2017. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:10.12.2019

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