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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3792/2019

BHAGWAN DAS

..... Petitioner

Through: Mr.Kameshwar Mishra, Advocate.

versus

STATE (NCT OF DELHI) AND ORS.

..... Respondents

Through: Mr.Anupam Srivastava, ASC for
GNCTD with Mr.Dhariya Gupta,
Advocate for R-1.

Mr.U.N.Tiwary, Advocate for R-2/DTC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **31.10.2019**

CM APPL.17353/2019 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 3792/2019

1. Petitioner seeks a direction to the respondent No.1 to renew the Heavy Transport Vehicle (HTV) driving license of the petitioner No. DL-1119920160463.

2. Petitioner was issued the subject driving license for motorcycle as well as for light motor vehicle on 28.08.1992 and for HTV on 27.10.1999. Subject license expired and petitioner applied for renewal on 12.03.2018. The Motor Licensing Officer, Transport Authority, Rohini while considering the application of the petitioner for renewal of the license noticed that the date of birth of the petitioner was 15.11.1978 and held that at the time of issuance of the original license on 28.08.1992, he was

underage. Accordingly, the MLO refused to renew the license. Impugning the said action, petitioner has filed the present petition.

3. Learned counsel for the petitioner contends that petitioner has held a heavy transport vehicle driving license since 27.10.1999 and if the petitioner is required to undertake the entire process afresh, he will first have to obtain a light motor vehicle license and thereafter he can only apply for a HTV license after a gap of at least 18 months.

4. Learned counsel submits that the sole vocation of the petitioner is driving a commercial HTV and he is the sole bread earner of the family.

5. Learned counsel relies on a judgment of a Coordinate bench of this Court in ***Davanand vs. Govt of NCT of Delhi & Ors***, W.P(C) 10874/2018 wherein in similar circumstances a Coordinate bench of this Court directed the respondent transport authority to consider the application of the petitioner therein for obtaining a HTV license without the requirement of first obtaining a learners license and then a light motor vehicle license and then a commercial prior to becoming eligible for a HTV. This direction was issued in view of the fact that the licensing authority had not discovered the invalidity of the license for several years.

6. In the present case also petitioner had obtained a light motor vehicle license on 28.08.1992 and for a period of over 26 years the petitioner continued to hold the license and the licensing authority had not discovered the invalidity of the license for 26 years.

7. Learned counsel appearing for the respondent No.1 Transport Department under instructions from Mr.Jaspal Singh, MLO, Rohini submits that keeping in view the peculiar facts and circumstances of the present

case, respondent is willing to consider the application of the petitioner directly for grant of HTV and petitioner would be issued a license if petitioner satisfies the other requirements and qualifies the eligibility test.

8. Learned counsel appearing for the respondent No.2/DTC submits that since petitioner was directly employed, no benefit of past service can be accorded to the petitioner, however, in case the petitioner obtains a HTV license and applies, the application of the petitioner would be considered in accordance with the rules.

9. In view of the above, petition is disposed of with a direction to respondent No.1 to directly consider the application of the petitioner for a HTV license subject to petitioner complying with the other requirements as well as clearing the eligibility test.

10. It is clarified that this order is being passed in the peculiar facts and circumstances of the case and shall not be treated as a precedent.

11. Order *dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 31, 2019

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