

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP No.13512 of 2020
Decided on : 05.10.2020**

The Diwana Cooperative Tpt. Society

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of certiorari by quashing of the order dated 29.07.2020 (Annexure P-13) passed by respondent No.3, whereby the application filed by him for increasing the age of RC of the Bus No.HR-67A-1766 had been declined. Further direction has also been sought to decide the representation dated 03.08.2020 (Annexure P-14).

On 03.09.2020, counsel for the petitioner had vehemently submitted that the petitioner's vehicle No.HR-67A-1766 (Model 2010) is plying on the route No.145, Karnal to Assandh and same does not fall in the National Capital Region (NCR). It was submitted that the tag of 10 years old diesel vehicle would not be applicable to the petitioner's vehicle and necessary averments have been made in paragraph No.19 (vi) to this extent.

Directions had been given to file necessary affidavit, whether the route on which the bus is plying had been notified under the National Capital Region Planning Board Act, 1985 to the official respondents.

In pursuance of the said directions, Shri Ashok Kumar Bansal, ADC-cum-Secretary, Regional Transport Authority, Karnal has filed the affidavit, wherein it has been submitted that District Karnal had been

notified as NCR under the Act, which is part of 13 districts of State of Haryana. It is further submitted that on which route the petitioner's bus is plying, the same would fall under NCR.

A perusal of the impugned order dated 29.07.2020 (Annexure P-13) would go on to show that the said instructions have been issued in pursuance of the order of the Apex Court passed in Writ Petition (c) No.13029 of 1985 'M.C. Mehta Vs. Union of India and another'. Resultantly, the following instructions were issued on 31.10.2018:-

“It should be publicized through electronic or print media, press release or through any other mode found feasible at your end that all the diesel vehicle more than 10 years old and petrol vehicles more than 15 years old shall not ply in the districts of Haryana falling in National Capital Region in terms of the orders of the National Green Tribunal dated 07.04.2015.”

Thus, in the absence of any challenge to the instructions or the order of National Green Tribunal, the petitioner cannot succeed.

It is the settled principle that the law laid down by the Apex Court is binding on all Courts and authorities and in view of the above there is no fault in the order of the respondents in not accepting the petitioner's claim. Accordingly, the present petition is dismissed.

OCTOBER 05, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No