

CWP No.9363 of 2021

Date of Decision : 03.05.2021

Surinder Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Balraj Singh, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the writ petition under Articles 226/227 of the Constitution of India, is for the issuance of a writ of mandamus, directing the respondents to renew the fitness certificate of the petitioners vehicle and to issue the same without requiring the petitioner to deposit additional fee of Rs.50/- for each day of delay after expiry of certificate of fitness, as is being claimed on the basis of notification (Annexure P-1) dated 29.12.2016 issued by the Ministry of Road Transport and Highways.

3. Learned counsel contends that a Division Bench of Hon'ble the Madras High Court in case titled as '*Chennai City Auto Ootunargal Sangam and others versus The Secretary, Ministry of Road Transport and Highways and another*' reported as 2017 (2) CTC 730 declared the imposition of additional fee, as aforesaid, void and that similar view has been taken by a Co-ordinate Bench of this Court in CWP No.5373 of 2020 in case titled as '*Rajinder Parshad versus State of Haryana and others*' decided on

17.02.2021 i.e. Annexure P-3.

4. Learned counsel contends that in view of the decision of the Division Bench of Hon'ble the Madras High Court, as referred to above, as well as the judgment of this Court in 'Rajinder Parshad's' case (supra) it is not open to the respondents to demand additional fee of Rs.50/- for each day of delay, after the expiry of fitness certificate for its renewal.

5. Learned counsel contends that the petitioner would be satisfied, if the writ petition is disposed of by directing the respondents to consider and decide the claim of the petitioner as made in representation (Annexure P-7) in the light of the decisions referred to above.

6. Notice of motion.

7. Mr. Aditya Sharda, learned Asstt. A.G., Punjab, accepts notice and states that he has no objection to the limited prayer of learned counsel for the petitioner.

8. Accordingly, in view of the statement of learned counsel and without commenting on the merits of the case, the writ petition is disposed of by directing respondent No.3 i.e. the Regional Transport Authority, Patiala to consider and decide representation (Annexure P-7) dated 25.02.2021, in accordance with law, after taking into account the decisions referred to above in case the same are applicable, preferably within two weeks from the date of submission of certified copy of this order.

9. Writ petition disposed of with the aforementioned directions.

03.05.2021

'Rajneesh/Amit'

(B.S. Walia)
Judge

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*