

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

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CWP-8114-2022

Date of decision: 28.10.2022

SHAM LAL WALIA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Parminder Walia, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant writ petition had been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of directions to respondents to consider the representation dated 05.03.2022 (Annexure P-4) and further to direct the respondents to issue registration/passing certificate to the petitioner's trucks bearing registration No. HR-64-2364 and registration No. HR-64-2363. The petitioner has contended that the trucks in question are more than 15 years old and that the petitioner had approached the regional transport authority for renewal of the registration/passing certificate of the aforesaid trucks, however, the said passing and renewal of the registration was not being undertaken by the Regional Transport Authority, District Kaithal. A submission was made that such renewal of registration certificate had already been granted to certain other trucks bearing registration No. HR-56-0245 and HR-64-1924.

Written statement on behalf of respondents No.1 and 2 has

been filed in the Court today. A copy thereof has been furnished to learned counsel appearing on behalf of the petitioner. A specific stand has been taken by the respondent-State that the renewal of the registration cannot be granted since the State of Haryana has already issued a notification on 06.08.2021 in exercise of powers conferred under Section 96 of the Motor Vehicles Act, 1988. As per the aforesaid notification, Rule 67 (A) has been substituted and the maximum age of vehicle under permit in the NCR (National Capital Region) area for diesel operated stage carriage has been fixed as 10 years and 15 years for the non-national capital region area. Since the vehicles in question are more than 15 years old, hence, renewal of the registration certificate cannot be carried out. While referring to the other cases relied upon by the petitioner, it has been specifically stated that the registration/renewal already granted to the aforesaid two trucks has been cancelled by the respondent authorities vide order dated 10.08.2022.

Learned counsel appearing on behalf of the petitioner cannot refer to any material to controvert either the issuance of the notification or its applicability to the case of the petitioner or the factual aspects as regards cancellation of the certificate issued to other similarly placed persons. He accordingly does not press the instant petition.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 28, 2022

Vishal sharma

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