

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

213

CWP-16132-2018

Date of decision: 09.12.2022

TRILOK SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Gourav Jain, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 5.

Mr. S.S. Sahu, Advocate
for respondents No. 6 to 8.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the private respondents to restrain from plying of unauthorized Mobile Flour Chakki fitted on a tractor that are being illegally run by the tractor owners in violation of the provision of the Motor Vehicle Act, 1998.

2. Written statement on behalf of respondents No.1 & 2 have been filed. The relevant extract of the reply reads thus:

“5. That the Transport Commissioner, Haryana had issued letter on 06-08-2002 (Annexure P-5) to all the District Transport Officers in the State to launch campaign for challaning of unauthorized mobile atta chakkis. Thereafter, the Transport Commissioner,

Haryana vide letters dated 22-02-2013, 06-03-2013, 14-08-2013, 25-11-2014 and 27-06-2016 directed all the Secretaries, Regional Transport Authorities to carry out intensive checking of a agricultural tractor trolley being used for commercial purpose unauthorisely and take action against the offenders as per the provisions of Motor Vehicle Act, 1988 and rules made thereunder. The copies of the above said letters are annexed as Annexure R1 to Annexure R-5, respectively.

6- That the Transport Commissioner In compliance of the orders dated 17-08-2017 passed by this Hon'ble High Court in CWP No. 7484 of 2017, CWP No. 9595 of 2017 and CWP No. 13763 of 2017 considered the requests of the petitioners and the same were rejected on the following observations:

"After going through the material placed on record and keeping in consideration the provisions of the Motor Vehicle Act, it is observed that admittedly these mobile atta chakis are being operated unauthorizedly for commercial use using agricultural tractors. These mobile atta chakkis do not fall in the category of agricultural tractor trolley combination, or goods vehicle as these mobile atta chakkis are just an arrangement in which a mechanical device fitted/assembled on a two wheel platform and stone of these flour mills are rotated with the help of tractor engine power and are being run with the help of tractors. Thus, these mobile at ta chakkis cannot be granted goods permit or yellow plates as they do not comply with the provisions of Section 79 of the M.V. Act, 1988 and chapter V of the Central Motor Vehicles Rules, 1989,"

3. A separate written statement on behalf of respondents No.3 and 5 have also been filed reiterating a similar stand.

4. In view of the aforesaid stand adopted by the respondents, the present petition is disposed of as having been rendered infructuous at this stage. The respondent-authorities shall remain bound by the stand adopted and take appropriate steps for checking illegal activities.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 09, 2022

Vishal sharma

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