

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

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CWP-28281-2023
Date of Decision: 15.12.2023

PYARA SINGH

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

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

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

Mr. Vivek Saini, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to increase the Gross vehicle weight (GVW) of the transport Goods Carrier Vehicle bearing no. HR65A6269 from 16370 tons to 18500 tons.

Learned counsel for the petitioner contends that Ministry of Road Transport and Highways had issued notification bearing No. S.O. 3467(E) dated 16.07.2018 and notification bearing No. S.O. 3881(E) dated 06.08.2018 regarding the revision of safe Axle weight of Transport vehicles and have increased the Gross vehicle weight. In view of the above notification, the Government of Haryana also revised Gross Vehicle weight

of two axles vehicle from 16200 tons to 18500 tons and for which the motor tax vehicle is fixed at Rs. 2800/- for three months. It is further contended that the gross vehicle weight of two axles vehicle of the petitioner bearing No. HR65A6269 is 16370 tons and for which the motor tax is also being paid at Rs. 2800/- for three months but if the vehicle of the petitioner will carry Gross weight more than 16370 tons then the vehicle will be challaned or impounded. However, the petitioner made many representation to the Transport Commissioner, Haryana for increasing the Gross weight of the petitioner's Vehicle from 16370 tons to 18500 tons by narrating all the aforesaid facts but no action has been taken till date.

Notice of motion.

Mr. Vivek Saini, Addl. Advocate General, Haryana appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2-the Transport Commissioner, Haryana is directed to consider and decide the representation dated 04.11.2023 (Annexure P-3) in a time bound manner.

Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2-the Transport Commissioner, Haryana to consider and decide the representation dated 04.11.2023 (Annexure P-3) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

DECEMBER 15, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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