HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Special Appeal Writ No. 748/2024

Raj Singh Choudhary S/o Shri Maha Singh Choudhary, Aged About 65 Years, R/o S-48, Shivad Area, Bapu Nagar, Jaipur (Raj) 302015, Presently H.no.36, Sector 14, Gurugram, Gurgaon, Harayana-122001

----Appellant

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Government Secretariat Jaipur
2. The Commissioner, Transport And Road Safety Department, Rajasthan, Jaipur
3. The Regional Transport Officer, Jaipur (Second) Transport Office-Ii, Vidhyadhar Nagar, Jaipur Rajasthan
4. The District Transport Officer, Transport Office-Ii, Vidhyadhar Nagar, Jaipur Rajasthan
5. State Of Haryana, Through Registration Officer And District Transport Officer, Regional Transport Authority, Mini Secretariat, Gurugram, Harayana

----Respondents

For Appellant(s)	:	Dr. Ganesh Parihar
For Respondent(s)	:	Mr. Surendra Singh Naruka, AAG with Mr. Sachin Singh Rathore

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HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE UMA SHANKER VYAS

Order

12/12/2024

1. Heard.

2. Learned counsel for the appellant would submit that even though, earlier an interim order was passed in the presence of the counsel for the respondents, an application for vacating stay was filed by the respondents which is not maintainable, as earlier an

interim order was passed by-parte. The other submission proceeds on the consent which was however, not continued and the appellant clearly stated that he is willing to withdraw his consent for submitting an undertaking to do the needful changes in the body of the vehicle.

3. Without commenting upon the merits, as the petition is still pending consideration, we find that initially an interim order was passed without there being any reply filed by the respondents. Subsequently, the respondents moved an application for vacating stay. Therefore, objection to the maintainability of the application for vacating stay filed under Article 226(3) of the Constitution of India stands rejected.

4. It appears that vehicle has already been released and when the application for vacating stay was being considered, the petitioner-appellant initially came out with an undertaking that appellant will get necessary modifications as per the standards and norms prescribed by the registration authorities.

5. Only in order to ensure that appellant is able to ply his vehicle and at the same time, the legal requirements of the Motor Vehicles Act, 1988 was also complied with, the learned Single Judge has passed an order.

6. It appears that after the order was dictated on Board, an attempt was made to wriggle out from the undertaking. The learned Single Judge has not allowed the same to be withdrawn. We are of the view that the arrangement which has been made by the learned Single ensures that the appellant is able to ply his vehicle and at the same time, the mandate of Motor Vehicles Act, 1988 is also respected.

7. There is no illegality in the order passed by the learned single Judge warranting interference by this Court.

8. The appeal is accordingly, dismissed.

(UMA SHANKER VYAS),J (MANINDRA MOHAN SHRIVASTAVA),CJ

NAVAL KISHOR-Gaurav /13