



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Writ Petition No. 492 of 2025

Shri. Shishir S/o Naresh Dongre
aged about 38 years, Occ : Lawyer,
R/o, 2, "Vithu-Krupa", 1st Bus Stop,
Gopal Nagar, Nagpur – 440022.

... Petitioner

- Versus -

(1) The State of Maharashtra, through
Secretary, Maharashtra Transport
Department, Mantralaya,
Madam Cama Road, Mumbai - 32.

(2) The Assistant Regional Transport
Officer, Office at, Opposite Giripeth
Post Office, Civil Lines, Nagpur
Maharashtra – 440001.

(3) The Regional Transport Office,
Office at, Block-C, 3rd Floor,
Indravati Bhavan, New Raipur,
Atal Nagar, Raipur,
Chhattisgarh – 492 002

(4) The In-charge, Transportation Branch,
Dist. Rajnandgaon,
Chhattisgarh – 492 002.

... Respondents

Mr. Nachiket Moharir, Advocate for the petitioner
Mr. I. J. Damle, APP for respondent nos. 1 and 2
Mr. A. S. Shukla, Advocate for respondent nos. 3 and 4

**CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.**

DATED : 25-09-2025.

JUDGMENT (Per : SIDDHESHWAR S. THOMBRE, J.)

Heard.

2. Issue Rule, returnable forthwith. Mr. I. J. Damle, learned Additional Public Prosecutor waives service of notice for respondent nos. 1 and 2 and Mr. A. S. Shukla, learned counsel waives service of notice for respondent nos. 3 and 4. With consent of learned counsels for the parties, the petition is taken up for final hearing at the admission stage.

3. The petitioner challenged the order passed by respondent no. 2 – Assistant Regional Transport Officer, Nagpur dated 4-4-2025, the show cause notice dated 3-3-2025 and further sought direction against respondent no. 2 to remove endorsement or any recording with respect to suspension of driving licence as against the profile of the petitioner on the portal of the respondents with respect to driving licence of the petitioner.

4. Learned counsel for the petitioner submits that the order passed by respondent no. 2 is *non est* in the eyes of law. He states that the order of suspension of driving licence of the petitioner is passed by respondent no. 2 without giving opportunity of hearing i.e. in violation of principles of natural justice and also the ground on which the licence

was suspended i.e. over speeding was already omitted from Rule 21 of the Central Motor Vehicles Rules (Sixth Amendment) Rules, 2021 and, therefore, clause (9) of Rule 21 of the Central Motor Vehicles Rules is no longer in existence in the statute book and, therefore, on that count, he prayed to allow the writ petition.

5. On the other hand, learned Additional Public Prosecutor (APP) for respondent nos. 1 and 2 and learned counsel for respondent nos. 3 and 4 supported the order. Both the counsel submitted that the petitioner was caught over speeding and, therefore, the authority has rightly passed the order.

6. After hearing the learned counsel for the parties and after going through the petition along with documents as well as reply filed by learned APP, we find that once the rule on which the order was passed, is omitted, and on the date, when the impugned order was passed, that rule does not exist, the impugned order cannot sustain in the eyes of law and, therefore, on this ground alone, the petition needs to be allowed by setting aside order passed by respondent no. 2 dated 4-4-2025. Further, the action whereby on the portal, the entry in respect of suspension of driving licence of the petitioner was taken needs to be removed. It is noted here that the impugned order was passed without affording opportunity of hearing to the petitioner. On

that count also, the petition needs to be allowed. Therefore, we pass following order.

ORDER

- (i) Criminal Writ Petition No. 492/2025 is allowed.
- (ii) Order passed by respondent no. 2 dated 4-4-2025 as also show cause notice dated 3-3-2025 are hereby quashed and set aside.
- (iii) Respondent no. 2 is directed to remove the remark on the portal about the suspension of the driving licence of the petitioner after receipt of this order within a period of two weeks.
- (iv) Rule is made absolute in above terms.

(S. S. THOMBRE, J.)

(Anil L. Pansare, J.)

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