HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 20868/2024

M/s Agarwal Transport, Through Partner Satyanarain Son Of Shri Kartar Chand Aged 62 Years, Resident Of 58 Ward No.-9, Near Cr School, Sadul Sahar, Rajasthan (Owner Of Vehicle No Rj 13 Pa 1718).

----Petitioner

Versus

1. Union Of India, Through The Secretary To Government Ministry Of Road Transport And Highway Transport Bhawan, 1 Sansad Marg, Gokul Nagar, Connaught Place, New Delhi.
2. State Of Rajasthan, Through The Secretary To Government Transport Department, Parivahan Bhawan, Sahakar Marg, Jaipur.
3. Transport Commissioner, Government Of Rajasthan Parivahan Bhawan, Sahakar Marg, Jaipur.
4. District Transport Officer, Ganganagar, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Tarun Dudia
For Respondent(s)	:	Mr. R. D. Rastogi, ASG with Mr. Devesh Yadav and Mr. Pooshan Mr. Rajdeep Singh Chouhan for Mr. Sajjan Singh Rathore, AAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MS. JUSTICE REKHA BORANA

Order

03/01/2025

1. This writ petition seeks to challenge the validity of note appended to Serial No.11A of Rule 81 of the Central Motor Vehicles Rules, 1989, as amended vide notification dated04.10.2021.

2. This Court at Jaipur Bench in the case of **Shyam Prakash Meena & Ors. vs. Union of India & Ors. [D.B. Civil Writ Petition No.14258/2024 and other connected writ petitions decided on 19.12.2024]** has allowed the writ petitions and declared the above note as *ultra vires* Section 64 (o) read with Section 211 of the Motor Vehicles Act, 1988 as also inoperative in law.

3. Accordingly, this writ petition is also allowed in the terms of decision rendered by this Court at Jaipur Bench in the case of Shyam Prakash Meena (supra). In the matter of consideration of application for renewal of fitness certificate filed by the petitioners, the respondents shall not levy any additional fee for each day of delay after expiry of validity period of fitness certificate. We make it clear that no other issue has been considered and the petitions are being allowed only in the manner and to the extent as stated above.

4. Stay petition and all pending applications, if any, stand disposed of.

(REKHA BORANA),J **(DR.PUSHPENDRA SINGH BHATI),J**

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