HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 20856/2024

1. Ramratan S/o Madan Ram, Aged About 35 Years, R/o Marwar Mundwa, District Nagaur (Raj.). Vehicle No. Rj-21-Ga-1795
2. Mangi Lal S/o Bhikha Ram, Aged About 50 Years, R/o Aadarsh Shikshan Sansthan, Gotan, Tehsil Merta, District Nagaur (Raj.). Vehicle No. Rj-21-Pa-3667
3. Abbas S/o Abdul Gafar, Aged About 54 Years, R/o Jali Ke Kuve Ka Pass Basni Beliya, Basni, District Nagaur (Raj.). Vehicle No. Rj- 16-C-2078
4. Gulam Rasul S/o Noor Mohd, Aged About 54 Years, R/o Near Panchayat Samiti Jayal, District Nagaur (Raj.). Vehicle No. Rj-21- Gc-3802
5. Babu Kha S/o Mangi Lal, Aged About 54 Years, R/o Teliyon Ka Bass Loonsara, Tehsil Jayal, District Nagaur (Raj.). Vehicle No. Rj- 21-Gc-5310
6. Moda Ram S/o Nanak Ram, Aged About 40 Years, R/o Joshiyad Kumari Nagaur, District Nagaur (Raj.). Vehicle No. Rj-14-3C-5952
7. Ramniwas S/o Madan Lal, Aged About 50 Years, R/o Geda Kallan, Tehsil Makrana, District Nagaur (Raj.). Vehicle No. Rj-21-C- 7033
8. Raji Devi W/o Shriram, Aged About 60 Years, R/o Shigaon, Kamal School Sans Riyan Bari, District Nagaur (Raj.). Vehicle No. Rj-21-Pa-0844
9. Chunni Lal S/o Aadu Ram, Aged About 50 Years, R/o Ward No. 1 Bikamsara, Tehsil Sardarshahar, District Churu (Raj.). Vehicle No. Rj-10-Gb-5819
10. Vinod S/o Fusa Lal, Aged About 44 Years, R/o Bhukhredi Ratangarh, District Churu (Raj.). Vehicle No. Rj-Gb-7093
11. Leeladhar Swami S/o Lichman Das, Aged About 40 Years, R/o Shimla, Tehsil Sardarshahar, District Churu (Raj.). Vehicle No. Rj- 10-Gb-5956
12. Anil Kumar S/o Omprakash, Aged About 53 Years, R/o Nousariya, Tehsil Ratangarh, District Churu (Raj.). Vehicle No. Rj- 44-Ga-2114
13. Ramratan S/o Ram Kumar, Aged About 34 Years, R/o Ward No.11 Taranagar, District Churu (Raj.). Vehicle No. Rj-10-Gb-6502
14. Lichu Ram S/o Prabhu Das, Aged About 40 Years, R/o Buchawas, Tehsil Taranagar, District Churu (Raj.). Vehicle No. Rj- 10-Ua-5983
15. Gaurishankar S/o Lekh Ram, Aged About 48 Years, R/o Banda, Tehsil Taranagar, District Churu (Raj.). Vehicle No. Rj-10-Ga-1927
16. Mahesh Kumar S/o Manak Chand Sharma, Aged About 44

Years, R/o Gayatri Nagar, District Churu (Raj.). Vehicle No. Rj-10- Gb-4019

17. Mohan Singh S/o Omprakash, Aged About 35 Years, R/o Near Hanuman Mandir Bhagela, Tehsil Rajgarh, District Churu (Raj.). Vehicle No. Rj-10-Ua-6978

18. Muatak Khan S/o Najeerdeen, Aged About 34 Years, R/o Bany, Tehsil Taranagar, District Churu (Raj.). Vehicle No. Rj-10-Gb-3329

19. Mangtu Ram S/o Mohar Singh, Aged About 34 Years, R/o Nrthawa, Tehsil Taranagar, District Churu (Raj.). Vehicle No. Rj-10- Ga-6415

20. Punam Chand S/o Ram Kumar, Aged About 38 Years, R/o Hardeshar Manipura, Tehsil Sardarshahar, District Churu (Raj.). Vehicle No. Rj-10-U-0290

21. Sukhveer Singh S/o Munsi Ram, Aged About 50 Years, R/o Tagore Public School Samiti, Ward No. 27, Near Disar Railway Fatak Rajgarh, District Churu (Raj.). Vehicle No. Rj-10-Pa-7293

22. Sukhveer Singh S/o Munsi Ram, Aged About 50 Years, R/o Tagore Public School Samiti Rajgarh, District Churu (Raj.). Vehicle No. Rj-10-Pa-7315

23. Kalu Ram S/o Gotu Ram, Aged About 35 Years, R/o Derajsar, Tehsil Sardarshahar, District Churu (Raj.). Vehicle No. Rj-10-Gb- 1390

24. Sushila W/o Late Sh. Surendra, Aged About 40 Years, R/o Janau Mithi, Sulkhaniyan, Tehsil Rajgarh, District Churu (Raj.). Vehicle No. Rj-18-Ua-1464

25. Vijay Singh S/o Ramprasad, Aged About 40 Years, R/o Navdeep Shikshan Sansthan, Nagal Chhoti, Tehsil Rajgarh, District Churu (Raj.). Vehicle No. Rj-18-Pa-8248

26. Kishan Kumar S/o Pura Ram, Aged About 40 Years, R/o Dallusar, Tehsil Sardarshahar, District Churu (Raj). Vehicle No. Rj- 10-Ga-2285

27. Sarwan S/o Bhiyan Ram, Aged About 63 Years, R/o Bandhnu, Tehsil Sardarshahar. District Churu (Raj.). Vehicle No. Rj-32-Ga- 4848

28. Dinesh S/o Dalip Kumar, Aged About 25 Years, R/o Kudku, Tehsil And District Bikaner (Raj.). Vehicle No. Rj-21-Ga-3621

29. Rajendra Singh S/o Dilawar Singh, Aged About 42 Years, R/o Ward No.4 Near Bus Stand, District Hanumangarh (Raj.). Vehicle No. Rj-31-C-0930

30. Chet Ram S/o Jagmal Ram, Aged About 62 Years, R/o Gangoi, Pandusar, Tehsil Nohar, District Hanumangarh (Raj.). Vehicle No. Rj-10-Ua-6033

----Petitioners

Versus

1. Union Of India, Through Its Secretary To The Government, Ministry Of Road Transport And Highways, Transport Bhawan-1, Sansad Marg. Gokul Nagar, Connaught Place. New Delhi
2. State Of Rajasthan, Through Secretary, Transport Department, Govt. Of Rajasthan, Parivahan Bhawan Sahkar Marg, Jaipur (Raj.)
3. Commissioner Of Transports, Transport Department, Parivahan Bhawan, Sahkar Marg, Jaipur (Raj.)
4. District Transport Officer, Dto Office, Nagaur (Raj.).
5. District Transport Officer, Dto Office, Churu (Raj.).
6. District Transport Officer, Dto Office, Bikaner (Raj.).
7. District Transport Officer, Dto Office, Hanumangarh (Raj.).
8. District Transport Officer, Dto Office, Jodhpur (Raj.).

----Respondents

For Petitioner(s)	:	Mr. Jaidev Singh Bhati
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**

100-KashishS/-