HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 21024/2024

1. Kishan Lal S/o Kanhaiya Lal, Aged About 31 Years, R/o Deoli Khurd, Tehsil Parbatsar, District Nagaur (Raj.). Vehicle No. Rj-37-Ua-2407
2. Suman D/o Raju Ram, Aged About 26 Years, R/o Shiv Colony Borawar, Tehsil Makrana, District Nagaur (Raj.). Vehicle No. Rj-01- U-0683
3. Sher Singh S/o Shardul Singh, Aged About 42 Years, Presently Residence At C/o Mohan Lal Son Of Baktawar, Bhooni, Post Office Bhooni, District Nagaur (Raj.). Vehicle No. Rj-18-Ua-5559
4. Kailash Chand Meghwal S/o Narayan Ram Meghwal, Aged About 28 Years, R/o Palara, Tehsil Nawa, District Nagaur (Raj.). Vehicle No. Rj-06-C-4226

----Petitioners

Versus

1. Union Of India, Through Its Secretary To The Government. Ministry Of Road Transport And Highways, Transport Bhawan-I, 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 Transport, Transport Department, Parivahan Bhawan, Sahkar Marg, Jaipur (Raj.).
4. District Transport Officer, Dto Office, Nagaur (Raj.)
5. District Transport Officer, Dto Office, Deedwana (Raj.).

----Respondents

Connected With

D.B. Civil Writ Petition No. 21036/2024

1. Shree Nath Minerals Enterprise, Resident Of 202, Sunrise Apartment, Nathdawara. Dist. Rajsamand Through Possession Holder Prahlad Jat Son Of Shri Jahawar Lal Jat Aged 45 Years Resident Of Uthnol, Rajsamand (Raj.) (Possession Holder Of Vehicle No Rj 30 Ga 6114)
2. Ramlal Mali S/o Shri Dalu Ram Mali, Aged About 50 Years, Resident Of Nanndoda Maja, Rajsmand Through

Possession Holder Shri Goverdhan Lal Bheel Son Of Shri Ganga Ram Bheel Resident Of Devthadi, Sundarsha, Distt. Rajsamand. (Possession Holder Of Vehicle No Rj 30 Ga 8925)

3. Shri Ram Kishore Kumawat S/o Shri Noratmal, Aged About 49 Years, Resident Of Truck Stand, Bhim, Distt. Rajsamand. (Owner Of Vehicle No Rj 30 C 1654)

4. Shri Khayali Lal S/o Shri Ram Lal Teli, Aged About 55 Years, Resident Of Narayan Ji Ka Mohalla, Deogarh, Rajsamand. (Owner Of Vehicle No Rj 30 Ga 6007)

----Petitioners

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, Rajsamand, Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Shiv Singh Mr. Roop Kishore Rathi
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. These writ petitions seek 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, these writ petitions are 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 petitions and all pending applications, if any, stand disposed of.

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

103-104/KashishS/-