



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 9721/2025



1. Kanwar Singh S/o Shri Hari Kishan, Aged About 27 Years, R/o Bakhapur, District Rewari, (Haryana), Owner Of Truck Bearing Number Hr-84-5332.
2. Goswami Sitaram S/o Shri Hanumanpuri, R/o 45, Satyam Nagar, Ahamdabad, (Gujrat), Owner Of Truck Bearing Number Rj-32Gd-9622.
3. Vinayak Industries, Through Its Proprietor Shri Ajay Kumar Mittal S/o Shri Ram Jiwan Agarwal, Registered Office At Jujal Pura, Khasra No. 1099/1911, Ajmeri, Shrimadhopur, Sikar, Owner Of Truck Bearing Number Rj-23Gc-7417.
4. Geeta Minerals, Through Its Proprietor Smt. Renu Goyal W/o Shri Manoj Kumar Goyal Registered Office At Neen Ka Thana, Sikar, Owner Of Truck Bearing Number Rj-23Gc-2673.
5. Giriraj Minerals, Through Its Proprietor Shri Ghasi Lal Agarwal S/o Shri Ramavtar Agarwal, Registered Office At H.no.1/37-38, RIICO Industrial Area, Sikar, Owner Of Truck Bearing Number Rj-23Gb-9208.
6. Earth Minerals, Through Its Proprietor Shri Deepak Singhal S/o Shri Ghasi Lal Singhal, Registered Office At Ramgeeta Kunj, Neem Ka Thana, Sikar, Owner Of Truck Bearing Number Rj-23Gc-1848.

----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Regional Transport Officer, Bharatpur.
3. Regional Transport Office, Sikar.
4. Regional Transport Officer, Alwar.
5. District Transport Officer Kotputali, District Jaipur.

----Respondents

Connected with



S.B. Civil Writ Petition No. 8808/2025



1. Raseed S/o Idrees, Aged About 40 Years, R/o Wahad Ka Bass Neemli Baghora Alwar Rj- Owner Of Truck No. Rj.40. Ga.6723
2. Sk Building Materials Suppliar, Through Prop. Isarail S/o Isa Aged 38 Years, R/o Neemli Alwar Rj- Owner Of Truck No. Rj.40. Ga.5153
3. Sk Construction, Through Prop. Anish Khan S/o Dinu Khan, Aged 35 Years, R/o Near Kholi Masjid, Ward No08, Neemli, Alwar, Rajasthan- Owner Of Truck No.rj.14.gq.8799 And Rj14.gq.8800
4. Momin S/o Idrish, Aged About 34 Years, R/o Baghpat Road, Daula, Baghpat, Baghpat, Uttar Pradesh- Owner Of Truck No. Up.17.at.0359

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Transport Department, Government Of Rajasthan, Government Secretariat, Jaipur
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur Rajasthan.
3. Regional Transport Officer, Bharatpur
4. Regional Transport Officer, Alwar
5. Regional Transport Officer, Sikar
6. Regional Transport Officer, Kotputli-Behror
7. District Transport Officer, Bharatpur
8. District Transport Officer, Alwar
9. District Transport Officer, Sikar
10. District Transport Officer, Kotputli-Behror

----Respondents

S.B. Civil Writ Petition No. 9730/2025

Kuber Kamna Mineral Industries, Through Partner Krishan Kumar Swami S/o Shri Suresh Kumar, Aged About 42Years, R/o Kotputli, Dabla Road, Bhagirath Enclave, Plot -11, Shri Mangalam Yadav Govt Upper Primary School, Jaipur,



Rajasthan.owner Of Vehicle Registration No. Rj32Gd8141.

-----Petitioner

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur,rajasthan.
4. District Transport Officer, Dto Office Kotputli, District Kotputli-Behror, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 9734/2025

Indraj Singh S/o Shri Sawai Singh, Aged About 29 Years, R/o Village-Karoli, Tehsil Kotputli, Jaipur, Rajasthan. Owner Of Vehicle Registration No. Rj32Gd3220.

-----Petitioner

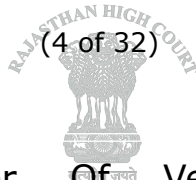
Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur,rajasthan.
4. Regional Transport Officer, Rto Office Alwar, District Alwar, Rajasthan.
5. District Transport Officer, DTO Office, Kotputli, District Kotputli-Behror, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 9739/2025

1. Ramesh Kumar S/o Chunni Lal, Aged About 35 Years, R/o W No 10 Milo Ki Dhani Signor Jhunjhunu, Rajasthan.



[CW-9721/2025]

Registered Owner Of Vehicle Registration No. Rj18Gc5196.

2. M/s Vashali Construction Company, Registered Address- Ward No 07, 01 Sarai Surpura Teh Udaipurwati, Jhunjhunu. (Rajasthan) Through Proprietor Kishan Lal Saini S/o Gokul Ram Saini R/o Sarai Surpura Teh Udaipurwati, Jhunjhunu. (Rajasthan) . (Rajasthan) Owner Of Vehicles Registration No. Rj18Gd2191 And Rj18Gc2191.

-----Petitioners

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. District Transport Officer, Dto Office Jhunjhunu, District Jhunjhunu. (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 9741/2025

1. M/s Shri Balaji Enterprises, Registered Address-Shri Balaji Enterprises Dhani Jobidi Ki Hathideh Shrimadhopur Sikar. (Rajasthan) Through Proprietor Lila Ram Gurjar S/o Sunda Ram Aged About 45, R/o Ward No 08 Dhani Padav Ki Hardas Ka Bass Shri Madhopur Sikar. (Rajasthan) Owner Of Vehicles Registration No. Rj23Gc8715 And Rj23Gb8715 And Rj23Gc7458 And Rj23Gc7457.
2. M/s Shri Ram Industries, Registered Address-F-38 Riico Industries Area Ajeetgarh Sikar. (Rajasthan) Through Proprietor Ajit Singh Yadav S/o Dunga Ram Yadav R/o Ward No 44 Teh Shahpura, Kalyanpura Monoharpura Dist Jaipur. (Rajasthan) Owner Of Vehicles Registration No. Rj23Gb9947 And Rj23Gc9947.
3. M/s Avinashi Construction Company, Registered





Address- Heeranal Ka Mohalla Sanwalpura Neem Ka Thana, Sikar. (Rajasthan) Through Proprietor Kailash Gurjar S/o Nathu Ram Gurjar R/o Hirmal Ka Mohalla Sanwalpura (Tanwan) Sikar. (Rajasthan) Owner Of Vehicles Registration No. Rj23Gc0780.

-----Petitioners

Versus

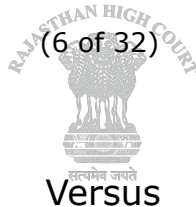
1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. Regional Transport Officer, Rto Office Sikar, Regional Sikar, (Rajasthan)
5. District Transport Officer, Dto Office Kotputali, District Kotputali- Behror. (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 9761/2025

1. Hajrat Ali S/o Jakir Hussain, Aged About 31 Years, R/o Nakhnol, Lakhnor, Tapukara, Tehsil Tijara, District Alwar, Rajasthan Registered Owner Of Vehicle Registration No. Rj 40 Ga 4016
2. Hajrat Ali S/o Jakir Hussain, R/o Vpo Nakhnol, Tehsil Tijara, District Alwar, Rajasthan, Registered Owner Of Vehicle Registration No. Rj 40 Ga 1867
3. Ajrudeen S/o Jamaludeen, R/o Village Phalsa, Tehsil Nuh, District Nuh Mewat, Haryana, Registered Owner Of Vehicle Registration No. Hr 47 B 5225
4. Rahul Khan S/o Sher Mohammad, R/o Mukhya Abadi, Khijarpur, Bhiwadi, Tehsil Tijara, District Alwar, Rajasthan, Registered Owner Of Vehicle Registration No. Rj 40 Ga 4174

-----Petitioners



[CW-9721/2025]



1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. District Transport Officer, Dto Office Kotputli, District Kotputli-Behror (Rajasthan).
5. District Transport Officer, Dto Office Bhiwadi, District Khairthal-Tijara (Rajasthan).
6. Regional Transport Officer, Rto Office Alwar, District Alwar (Rajasthan).

----Respondents

S.B. Civil Writ Petition No. 9765/2025

Ladi Motors, Through Proprietor Roshan Lal S/o Shri Suraj Bhan Gurjar, Address - Tehsil Kotputli District Kotputli Behror (Rajasthan) (Vehicles Registration No. Rj 32 Gc7785, Rj 32 Gc 7615

----Petitioner

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur Rajasthan Through Secretary
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur
4. Regional Transport Officer, Rto Office Kotputli, District Kotputli Behror (Rajasthan)

----Respondents

S.B. Civil Writ Petition No. 9772/2025





Modi Construction Company, Through Partner Karun Modi  
S/o Shri Jainarayan Modi , Address -9, Leela Mansion,  
Rajbhawan Road, Civil Lines, Jaipur (Rajasthan) (Vehicles  
Registration No. Rj 14 Gj 7498, Rj 14 Gj 7502, Rj 14 Gj  
7501)

-----Petitioner

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. Regional Transport Officer, Rto Office Jagatpura, Jaipur (Rajasthan)
5. Regional Transport Officer, Rto Office Alwar, District Alwar (Rajasthan)

-----Respondents

S.B. Civil Writ Petition No. 9782/2025

1. S. Kumar Construction, Bari Ka Bass, Bari (Chirawa) District Jhunjhunu Proprietor Suman Devi W/o Sunil Kumar, Aged About 39 Years, R/o Village Bari Ka Bas, Post Sari, Tehsil Chirawa, District Jhunjhunu (Vehicle No. Rj18-Gc-6209 And Rj18-Gc-7209).
2. M/s Khicher Trading Company, Bass Sahajarsar, Bikaner Through Proprietor Rajeev Kumar S/o Girdhari Lal, R/o Village Sanjay Nagar (Bharu), Tehsil Mandawa, District Jhunjhunu (Vehicle No. Rj07Ge9518).
3. Vijay Trading Company, Nawalgarh Raod, Kari District Jhunjhunu Through Proprietor Vijendra Singh S/o Chhoturam R/o Kari, Tehsil Nawalgarh, District Jhunjhunu (Vehicle No. Rj18-Gc-6771)
4. Jai Hanuman Mineral Enterprises, Vpo Chanana, Tehsil Chirawa, District Jhunjhunu, Through Proprietor



Ravindra Singh S/o Dalal Singh, R/o Jai Pahadi, Tehsil  
And District Jhunjhunu (Vehicle No. Rj18-Gc-4937).

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Transport Department, Secretariat, Rajasthan, Jaipur.
2. Joint Secretary, Department Of Mining And Geology, Govt. Of Rajasthan, Secretariat, Jaipur.
3. Regional Transport Officer, Sikar.
4. Regional Transport Officer, Bikaner.
5. District Transport Officer, Jhunjhunu.
6. District Transport Officer, Bikaner

-----Respondents

S.B. Civil Writ Petition No. 9786/2025

1. M/s Veer Construction Company, Ward No. 02, Ojtoo (Chirawa) District Jhunjhunu Through Proprietor Veer Singh S/o Shishpal Singh, Aged About 42 Years, R/o Ward No. 02 Ojtoo (Chirawa) District Jhunjhunu (Vehicle No. Rj18-Gb-7378)
2. Satyaveer Singh S/o Badsa Ram, R/o Ward No, 14, Kharwason Ki Dhani, Gudha Gorji, Tehsil Udaipurwati, Dsitrict Jhunjhunu (Vehicle No. Rj18-Gc-6718)
3. Shishupal Singh Godara S/o Shiv Chand Godara, Aged About 48 Years, R/o Bada Pana Godara Ki Dhani, Bhorki Tehsil Udaipurwati, District Jhunjhunu (Vehicle No. Rj18-Gc-2513)
4. Godara Tour And Travels, Godara Ki Dhani, Bhokri, Gudhagaurji, Tehsil Udaipurwati, District Jhunjhunu Through Proprietor Shishupal Singh Godara S/o Shivchand Godara (Vehicle No. Rj18-Gc-5353)
5. Sidhi Vinayak Stone Crusher, Through Proprietor Pawan Kumar Singal S/o Shri Bhagwan R/o Moda Pahar Hamiri Road, District Jhunjhunu (Vehicle No. Rj18-Gb-7334)

-----Petitioners

Versus







[CW-9721/2025]

1. State Of Rajasthan, Through Its Secretary, Transport Department, Secretariat, Rajasthan, Jaipur.
2. Joint Secretary, Department Of Mining And Geology, Govt. Of Rajasthan, Secretariat, Jaipur.
3. Regional Transport Officer, Sikar.
4. District Transport Officer, Jhunjhunu.

----Respondents

S.B. Civil Writ Petition No. 9790/2025

1. Naveen Balayan S/o Manoj Kumar, Aged About 26 Years, R/o Village Malpura,district Jhunjhunu ( Vehicle No. Rj 18 -Gc-6636
2. Mahesh Kumar S/o Ramanand, Aged About 37 Years, R/o Village Jitarwalo Ki Dhani, Post Gudhagaurji,district Jhunjhunu (Vehicle No. Rj 18 -Gc- 1046)
3. Prakash Gurjar S/o Manglaram Gurjar, Aged About 40 Years, R/o Ward No. 36, Heerawali, Chirana, Tehsil Nawalgarh, District Jhunjhunu (Vehicle No. Rj 18- Gc 7769)
4. Anil Kumar Moond S/o Shri Chand, R/o Ward No. 3, Majau, District Jhunjhunu (Vehicle No. Rj- 18 Ga- 9129)

----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Transport Department, Secretariat, Rajasthan, Jaipur
2. Joint Secretary, Department Of Mining And Geology, Govt. Of Rajasthan, Secretariat, Jaipur
3. Regional Transport Officer, Sikar
4. District Transport Officer, Jhunjhunu

----Respondents

S.B. Civil Writ Petition No. 9824/2025

1. S.S. Minerals, Through Its Proprietor Smt. Geeta Devi W/o Shri Shyam Sunder Agarwal, Registered Office At 126, Savitri Vihar, Haldighati Marg, Pratap Nagar,





[CW-9721/2025]

Jaipur, Owner Of Truck Bearing Number RJ-14Gk-5663.

2. M/s Shyam Minerals, Through Its Proprietor Shri Shyam Sunder Agarwal S/o Shri Bhanwar Lal Agarwal, Registered Office At Ward No.15, Shiv Colony Shahpura, Jaipur, Owner Of Truck Bearing Number Rj-52Ga-6414, Rj-52Ga-7153.

-----Petitioners

Versus

1. State of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Regional Transport Officer, Sikar.
3. District Transport Officer, Kotputali-Behror, District Kotputali-Behror.
4. Regional Transport Officer, Alwar.

-----Respondents

S.B. Civil Writ Petition No. 9825/2025

M/s Mishra Transport, Vpo Tehla, Rajgarh, District Alwar, Through Proprietor Badri Nath Mishra Son Of Shri Kedar Nath Mishra, Age About 63 Years, R/o Bhairu Baba Ka Rasta, Tahla, Alwar (Rajasthan) Registered Owner Of Vehicle Registration No. Rj 02 Gc 0758

-----Petitioner

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. Regional Transport Officer, Rto Office Alwar, District Alwar (Rajasthan).

-----Respondents





[CW-9721/2025]

S.B. Civil Writ Petition No. 9842/2025

1. C S Mukul And Company, Infront Of Rsrtc Devipura, Sikar Through Proprietor Chandradeep Singh Shekhawat S/o Surajbhan Singh, Aged About 25 Years, R/o Infront Of Bus Depo, Devipura, Sikar, Rajasthan Registered Owner Of Vehicle Registration No. Rj 23 Gc 6768
2. Anita Kanwar, Ward No.27, Opp. Bus Depot, Sikar Through Proprietor Anita Kanwar W/o Shri Vikram Singh Shekhawat, R/o Ward No. 27, Infront Of Bus Depot, Sikar Rajasthan, Registered Owner Of Vehicle Registration No. Rj 23 Gc 3308
3. Ram Chandra Singh S/o Nagar Mal, R/o Ward No. 01, Sotwara, District Jhunjhunu, Rajasthan Registered Owner Of Vehicle Registration No. Rj 18 Gd 4700

-----Petitioners

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner Transport Department, Government Of Rajasthan, Jaipur.
4. Regional Transport Officer, Rto Office Sikar, District Sikar (Rajasthan)

-----Respondents

S.B. Civil Writ Petition No. 9850/2025

1. Jb Construction Company, Village Bugala, Via Jakhal, Tehsil Nawalgarh, District Jhunjhunu, Through Proprietor Bindeshwar S/o Mahesh Kumar, Aged About 35 Years, R/o Village And Post Bugala, Via Jakhal, Tehsil Nawalgarh, District Jhunjhunu, Rajasthan Registered Owner Of Vehicle Registration No. Rj 18 Gc 1458.



2. Bindeshwar S/o Mahesh Kumar, Aged About 35 Years, R/o Village And Post Bugala, Via Jakhal, Tehsil Nawalgarh, District Jhunjhunu, Rajasthan Registered Owner Of Vehicle Registration No. Rj 18 Gc 5980.

-----Petitioners

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. District Transport Officer, Dto Office Jhunjhunu, District Jhunjhunu (Rajasthan).
5. Regional Transport Officer, Rto Office Sikar, District Sikar (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 9902/2025

1. Shankar Singh S/o Shri Laxman Singh, Aged About 38 Years, R/o Village Gopal Sagar, Kharwa, Ajmer, Owner Of Truck Bearing Number Rj-36Ga-9243.
2. Rajshree Mines And Minerals, Through Its Proprietor Shri Ashok Kumar S/o Shri Ram Jiwan Registered Office At Vinod Nagar, Beawar, Ajmer, Owner Of Truck Bearing Number Rj-36Ga-9244.
3. Four Angle Trade Link, Through Its Proprietor Mehboob S/o Shri Sultan, Registered Office Khasra No. 262, Village Saraniya, Post Kharwa, Beawar, Ajmer, Owner Of Truck Bearing Number Rj-36Ga-8514.
4. S.k. Kathat Construction, Through Its Proprietor Shri Shokin S/o Shri Sultan, Registered Office Village Sarniya, Ajmer, Owner Of Truck Bearing Number Rj-36Ga-9185.
5. Saiyad Islam Husain S/o Shri Saiyad Nawab Ali, R/o





Surajpura, Kharwa, Ajmer, Owner Of Truck Bearing Number Rj-11Gc-0138.

6. Murad Minerals Suppliers, Through Its Proprietor Shri Mubarik Ali S/o Shri Alnoor, Registered Office At Near Govt. School, Kharwa, Ajmer, Owner Of Truck Bearing Number Rj-36Ga-9319.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Regional Transport Officer, Ajmer.
3. Regional Transport Office, Sikar.
4. Regional Transport Officer, Rajsamand.
5. District Transport Officer, Beawar District Ajmer.

-----Respondents

S.B. Civil Writ Petition No. 9908/2025

1. Madan Kathat S/o Shri Kishana Ji, Aged About 38 Years, R/o Ward No.5, Kanakhera, Masuda, Ajmer, Owner Of Truck Bearing Number Rj-36Ga-9448, Rj-36Ga-4125, Rj-01Gb-7528.
2. Rohitash Swami S/o Shri Gyandas, R/o Ward No.3, Avinashi, Neem Ka Thana, Sikar, Owner Of Truck Bearing Number Rj-23Gc-1087.
3. Birbal Yadav S/o Shri Ami Lal Yadav, R/o 459, Pratap Nagar Vistar, Murlipura, Jaipur, Owner Of Truck Bearing Number Rj-14Gg-2027.
4. S.k. Kathat Construshri Shyam Granites, Through Its Proprietor Shri Rahul S/o Shri Abhay Registered Office At C-74S, Balmiki Marg, Hanuman Nagar Khatipura, Jaipur. Owner Of Truck Bearing Number Rj-14Gk-4671, Rj-14Gl-1423.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat,





[CW-9721/2025]

Jaipur.

2. Regional Transport Officer, Ajmer.
3. Regional Transport Office, Sikar
4. Regional Transport Officer, Rajsamand
5. District Transport Officer, Beawar District Ajmer.
6. Regional Transport Officer, Jhunjhunu.
7. Regional Transport Officer, Alwar.
8. District Transport Officer, Kotputali Behror.

----Respondents

S.B. Civil Writ Petition No. 9948/2025

Dharamvir Singh S/o Sh. Bhav Singh, Aged About 45 Years,  
R/o House No. 216, Near Choti Pahadi, Sector-79 Shikohpur,  
Manesar Gurgaon Haryana 122004 (Owner Of Truck Bearing  
Number Hr55Ah9257)

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan
3. Regional Transport Officer, Jaipur Second, Jaipur Rajasthan.
4. District Transport Officer, Kotputali District Kotputali - Behror Rajasthan.
5. Regional Transport Officer, Alwar District Alwar Rajasthan.
6. District Transport Officer Alwar, District Alwar Rajasthan.
7. Regional Transport Officer Sikar, District Sikar Rajasthan.
8. District Transport Officer Sikar, District Sikar Rajasthan.

----Respondents





[CW-9721/2025]

S.B. Civil Writ Petition No. 9952/2025

Chaman Yadav S/o Sh. Suresh Kumar, Aged About 45 Years,  
R/o V.p.o. Shikohpur (169), Narsinghpur Gurgaon Haryana  
122004 (Owner Of Truck Bearing Number Hr 55 Al 3945, Hr  
55 Aj 1145, Hr 55 Ah 4016

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan
3. Regional Transport Office, Jaipur, Jaipur Second, Jaipur Rajasthan
4. District Transport Officer, Kotputli District Kotputali-Behror Rajasthan
5. Regional Transport Officer, Alwar District Alwar Rajasthan
6. District Transport Officer Alwar, District Alwar Rajasthan
7. Regional Transport Officer Sikar, District Sikar Rajasthan
8. District Transport Officer Sikar, District Sikar Rajasthan

-----Respondents

S.B. Civil Writ Petition No. 9976/2025

Khalil S/o Sh. Hurmat, Aged About 40 Years, R/o Hariahera  
(183), Ghamroj Gurgaon Haryana 122002 (Owner Of Truck  
Bearing Number Hr55Ae6436)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan.



3. Regional Transport Officer Jaipur Second, Jaipur Rajasthan.
4. District Transport Officer Kotputali, District Kotputali - Behror Rajasthan.
5. Regional Transport Officer Alwar, District Alwar Rajasthan.
6. District Transport Officer Alwar, District Alwar Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 10003/2025

1. Mukesh S/o Moti Lal, Aged About 41 Years, R/o Narhar,, Jhunjhunun Rajasthan. Registered Owner Of Vechicle Registration No. Rj 18 Ga 9900,
2. Jale Singh S/o Indraj Singh, Aged About 55 Years, R/o Pani Ki Tanki Ke Pass, Dhani Shyorani Deoroad, Jhunjhunun Rajasthan. Registered Owner Of Vechicle Registration No. Rj 18 Gb 0099.

-----Petitioners

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur
4. District Transport Officer, Dto Office Jhunjhunu District Jhunjhunu

----Respondents

S.B. Civil Writ Petition No. 10072/2025

1. Sanjay Kumar S/o Late Jagmal Singh, Aged About 48 Years, R/o Plot No. 2, Marudhar Nagar, Dcm, Ajmer Road, Jaipur At Presently R/o Sanjay Nagar, Papurna, Khetri, District Jhunjhunu, Rajasthan, Registered





Owner Of Vehicle Registration No. Rj 18 Gb 5258

2. Shubham Construction Company, Through Proprietor Dinesh Kumar Jat S/o Sukhram Jat, R/o Digli, District Churu, Rajasthan, Registered Owner Of Vehicle Registration No. Rj 18 Gc 6632

-----Petitioners

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. District Transport Officer, Dto Office Jhunjhunu, District Jhunjhunu (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 10101/2025

1. Vijay S/o Hetram, Aged About 46 Years, R/o 206 Gothara Mauhbatabad Pali (13) Faridabad Hr Owner Of Truck No. Hr. 38Y.6119
2. Ashok Kumar S/o Dharambir Singh, Aged About 53 Years, R/o - 12 Vill Naichana Teh. - Bawal Distt. Rewari, Hr Owner Of Truck No. Hr 47.c. 2630
3. Naresh Kumar S/o Dharam Bir, Aged About 56 Years, R/o R No- 12 Naichana, Teh- Bawal Distt. Rewari, Hr- Owner Of Truck No. Hr.47.c. 9876
4. Mohin Khan B.m.s., Aged About 48 Years, Through Jafrudeen S/o Mohddeen R/o Ward No 12 Itc Colony, Sohna Gurgaon, Hr - Owner Of Truck No. Hr. 55.ap. 1260

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Transport Department Government Of Rajasthan,





Government Secretariat, Jaipur

2. The Joint Secretary, Mines And Geology Department Secretariat, Jaipur Rajasthan
3. Regional Transport Officer, Bharatpur
4. Regional Transport Officer, Alwar
5. Regional Transport Officer, Sikar
6. Regional Transport Officer, Kotputli- Behror
7. District Transport Officer, Bharatpur
8. District Transport Officer, Alwar
9. District Transport Officer, Sikar
10. District Transport Officer, Kotputli- Behror

----Respondents

S.B. Civil Writ Petition No. 10105/2025

1. Sajid S/o Iliyas, Aged About 38 Years, R/o 494, Ward No.6 Near Jama Masjid Tijara To Firozpur Main Road Neemli Alwar Rj - Owner Of Truck No. Rj.40.gb.2683
2. Om Prakash Gurjar S/o Nathu Ram Gurjar, Aged About 36 Years, R/o Jangido Ka Mohalla Thali Teh Chaksu Jaipur Rj - Owner Of Truck No. Rj.40.ga.2250
3. Aarif Khan S/o Ibraheem, Aged About 45 Years, R/o Maliyon Ki Dhani Jama Ramgarh Jaipur Rj- Owner Of Truck No. Rj.14.gq.8811
4. Vijay S/o Hetram, Aged About 46 Years, R/o 206 Gothara Mauhbatabad Pali(13) Faridabad Hr- Owner Of Truck No. Hr.38.ab.6119

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Transport Department, Government Of Rajasthan, Government Secretariat, Jaipur
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur Rajasthan
3. Regional Transport Officer, Bharatpur
4. Regional Transport Officer, Alwar



[CW-9721/2025]

5. Regional Transport Officer, Sikar
6. Regional Transport Officer, Kotputli-Behror
7. District Transport Officer, Bharatpur
8. District Transport Officer, Alwar
9. District Transport Officer, Sikar
10. District Transport Officer, Kotputli-Behror

----Respondents

S.B. Civil Writ Petition No. 10107/2025

1. Kanheya Lal Yadav S/o Jagdish Prasad, Aged About 29 Years, R/o Ward No. 01 Ajmeri Teh-Shrimadhpor Sikar Rj - Owner Of Truck No. Rj.23.ga.9754
2. Saikul S/o Bagdu, Aged About 29 Years, R/o Village Radhanagri Post Akata Tehsil-Kaman Radhanagri, Bharatpur Rj - Owner Of Truck No. Rj.05.gb.9065
3. Sahun Khan S/o Umardeen, Aged About 33 Years, R/o T/ajaswant Nagar, Bharatpur P/a-Uprala Bajar, Ramgarh, Alwar Rj- Owner Of Truck No. Rj.05.gb.4929
4. Arjun Lal Swami S/o Gyandas Swami, Aged About 30 Years, R/o Ward No. 03 Avinashi Sanwalpura, Tanwaran Sikar Rj- Owner Of Truck No. Rj.23.gb.1872
5. Yogesh S/o Mahender, Aged About 34 Years, R/o Vpo Gopi (35), Bhiwani, Hr- Owner Of Truck No. Hr.39.f.9106

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Transport Department, Government Of Rajasthan, Government Secretariat, Jaipur
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur Rajasthan
3. Regional Transport Officer, Bharatpur
4. Regional Transport Officer, Alwar
5. Regional Transport Officer, Sikar
6. Regional Transport Officer, Kotputli-Behror
7. District Transport Officer, Bharatpur





8. District Transport Officer, Alwar
9. District Transport Officer, Sikar
10. District Transport Officer, Kotputli-Behror

----Respondents

S.B. Civil Writ Petition No. 10108/2025

1. Jagdish Choudhary S/o Jodha Ram Choudhary, Aged About 50 Years, R/o Charanwas Tulika, Roopgarh Teh. Cantaramgarh, Sikar Rj-Owner Of Truck No. Rj.23.gb.3362
2. Arasad S/o Asu, Aged About 35 Years, R/o Tijara Road, Neemli, Alwar Teh Tijara Alwar Rj-Owner Of Truck No. Rj.40.ga.6361.
3. Iliyas Khan S/o Musaddi, Aged About 47 Years, R/o Village Neemli The Tijara Alwar Rj- Owner Of Truck No. Rj.40.ga.4287.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Transport Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan.
3. Regional Transport Officer, Bharatpur.
4. Regional Transport Officer, Alwar.
5. Regional Transport Officer, Sikar
6. Regional Transport Officer, Kotputali-Behror
7. District Transport Officer, Bharatpur
8. District Transport Officer, Alwar
9. District Transport Officer, Sikar.
10. District Transport Officer, Kotputli-Behror

----Respondents

S.B. Civil Writ Petition No. 10136/2025

Rajveer Singh S/o Sh. Munshi Lal, Aged About 51 Years, R/o







Village Gwal Pahari, Gurgaon Haryana 122003 (Owner Of Truck Bearing Number Hr55Ak9987, Hr55Al3272, Hr55X5074)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan.
3. Regional Transport Officer, Jaipur Second, Jaipur, Rajasthan.
4. District Transport Officer, Kotputali District Kotputali-Behror, Rajasthan.
5. Regional Transport Officer, Sikar, District Sikar, Rajasthan.
6. District Transport Officer, Sikar, District Sikar, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 10139/2025

Pankaj Yadav S/o Sh. Rajveer Singh Yadav, Aged About 26 Years, R/o 152, Pilha Nagla Jodha Medhiudhi, Tehsil Bharthana, Etawah, Uttar Pradesh 206242 (Owner Of Truck Bearing Number Up75Bt3639)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan.
3. Regional Transport Officer Jaipur Second, Jaipur Rajasthan
4. District Transport Officer, Kotputali District Kotputali-Behror Rajasthan.



[CW-9721/2025]

5. Regional Transport Officer, Sikar District Sikar Rajasthan.
6. District Transport Officer, Sikar District Sikar Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 10414/2025

Fauji Transport Company, Through Its Prop. Raj Kumar S/o Richpal Saini, Aged About 41 Years, R/o New Dhani Narehera, Kotputli, District Jaipur, Rajasthan Registered Owner Of Vehicle Registration No. Rj 32 Gd 0043, Rj 32 Gc 7623, Rj 32 Gc 7316, Rj 32 Gc 2844, Rj 32 Gc 7057, Rj 32 Gc 5993, Rj 32 Gc 4412.

----Petitioner

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan Through Secretary.
2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. District Transport Officer, Dto Office Kotputli, District Kotputli-Behror (Rajasthan).

----Respondents

S.B. Civil Writ Petition No. 10455/2025

Babulal S/o Shri Jagram Sharma, Aged About 45 Years, R/o 6, Sharda Colony, Mahesh Nagar, Ward No. 42, Jaipur, Rajasthan. Registered Owner Of Vehicle Registration No. Rj 14 Gh 1251.

----Petitioner

Versus

1. State Of Rajasthan, Transport Department Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Secretary.



[CW-9721/2025]

2. Department Of Mining And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan, Through Joint Secretary.
3. Commissioner, Transport Department, Government Of Rajasthan, Jaipur.
4. District Transport Officer, Dto Office Tonk (Rajasthan)

-----Respondents

S.B. Civil Writ Petition No. 10639/2025

1. Insar S/o Shri Nuradin, Aged About 27 Years, R/o Village Umra, Tehsil F P Jhirka, Nuh Mewat, (Haryana), Owner Of Truck Bearing Number Hr-74B-4651.
2. Anjum Hussain S/o Shri Shorab Khan, R/o Ward No.10, Javed Colony, Gurgaon, (Haryana), Owner Of Truck Bearing Number Hr-55Ak-5798.
3. Bharat Construction Company, Through Its Proprietor Shri Samar Yusuf S/o Shri Mohd. Yusuf, Registered Office At Shop No. 2/182, Ward No.7, Near Water Tank Dasna, Ghaziabad, (Up), Owner Of Truck Bearing Number Up-14Jt-4891.
4. Azad S/o Shri Sohrab, R/o Nagla Ahsanpur, Khatela, Palwal, (Haryana), Owner Of Truck Bearing Number Hr-73B-1177.
5. Mohammad Sabir S/o Shri Hamid, R/o Village Nh-2 Road, Saral Khatela, Palwal, (Haryana), Owner Of Truck Bearing Number Hr-73B-4300.
6. Choudhary Trading Company, Through Its Proprietor Shri Birham Pal S/o Shri Jogaram, Registered Office At Indira Complex Tigaon Road, Faridabad, (Haryana), Owner Of Truck Bearing Number Hr-38Ac-4572.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Regional Transport Officer, Bharatpur.
3. Regional Transport Office, Sikar.



4. Regional Transport Officer, Alwar.
5. District Transport Officer Kotputali, District Jaipur.

----Respondents

S.B. Civil Writ Petition No. 10758/2025

Tomar Stone Curesher, Dabla Road, Narehda, Teh. Kotputli, District-Jaipur Through Its Partner Sunil Kumar Yadav S/o Tejram Yadav, Age-56 Years, R/o-Nechana, Teh. Bawal, District Rewari (Haryana), Owner Of Dumper Vehicle No. 1. Rj-32-Gc-3667, 2. Rj-32-Gc-3668, 3. Rj-32-Gc-3666, 4. Rj-32-Gc-3665 .

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Department Of Transport Secretariat, Jaipur, Rajasthan.
2. State Of Rajasthan, Through Principal Secretary Department Of Mining And Geology, Govt. Of Rajasthan, Secretariat, Jaipur, Rajasthan .
3. District Transport Officer, Kotputli Distt. Jaipur (Raj.)

----Respondents

S.B. Civil Writ Petition No. 10897/2025

Kamal Singh S/o Sh. Chat Ram, Aged About 36 Years, R/o Village Salhawas, Post Office Sangwari (185) Rewari Haryana 123401 (Owner Of Truck Bearing Number Hr47F3300, Hr47G6503)

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Transport Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur, Rajasthan.
3. District Transport Officer, District Alwar Rajasthan
4. District Transport Officer, Kotputali District Kotputali-



[CW-9721/2025]

Bheror Rajasthan.

5. Regional Transport Officer, Sikar District Sikar Rajasthan.
6. District Transport Officer, Sikar District Sikar Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 9574/2025

1. Manoj Kumar Giri S/o Sohanpal Giri, Aged About 47 Years, R/o 0520 J/5 Kuleshra, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh- Owner Of Truck No. Up.16.ht.7523
2. Asamohammad S/o Rah, Aged About 42 Years, R/o 132, Neemli Teh. Tijara Alwar- Owner Of Truck No. Rj.40.gb.5858
3. Arasad S/o Asu, Aged About 35 Years, R/o Tijara Road, Neemli, Alwar, The Tijara Alwar Rj- Owner Of Truck No. Rj.40.ga.6361
4. Shakur S/o Rahaman, Aged About 50 Years, R/o Vill Rooparel, Post Kharwa Teh Masuda Ajmer Rj- Owner Of Truck No. Rj.30.ga.5088
5. Imran S/o Khalil Ahamad, Aged About 40 Years, R/o 86 Seoli Road Sarai, Khatela Sarai, Palwal Hodal Palwal, Hr- Owner Of Truck No. Hr.73.b.3700

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Transport Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. The Joint Secretary, Mines And Geology Department, Secretariat, Jaipur Rajasthan.
3. Regional Transport Officer, Bharatpur.
4. Regional Transport Officer, Alwar
5. Regional Transport Officer, Sikar.
6. Regional Transport Officer, Kotputli- Behror
7. District Transport Officer, Bharatpur





- 8. District Transport Officer, Alwar
- 9. District Transport Officer, Sikar
- 10. District Transport Officer, Kotputli- Behror.

----Respondents



For Petitioner(s)	: Mr. Aatish Jain Mr. Raj Kumar Goyal Ms. Jamasi Mr. Raj Kumar Saini Mr. Surjeet Singh Ms. Rajani Vyas Mr. Raj Kumar Kasana Mr. Vijay Punia Mr. Anil Sharma Mr. Shiv Prakash Dhanera Mr. Rakesh Kumar Bairwa Mr. D.D. Khandelwal Ms. Surbhi Khandelwal Mr. Yogesh Kumar Jatav Mr. Hanumant Singh Mr. Harishanker for Mr. Kan Singh Rathore Mr. Anil Kumar Poonia Mr. Mayank Singhal Mr. Prashant Sharma
For Respondent(s)	: Mr. Surendra Singh Naruka-AAG with Mr. Sandeep Singh Nirwan Mr. Sachin Singh Mr. H.S. Shekhawat

**JUSTICE ANOOP KUMAR DHAND**

**Order**

**28/07/2025**

1. Since, this batch of writ petitions involves common questions of law and facts, therefore, with the consent of counsel for the parties, arguments have been heard together in all these writ petitions and the same are being decided by this common order.





2. For the sake of convenience, the facts pleaded in S.B. Civil Writ Petition No. 9721/2025 are taken into consideration by the Court for disposal of this batch of writ petitions.

3. The instant writ petition has been filed by the petitioners with the following prayer:-

"It is, therefore, humble prayed that your lordships may graciously be pleased to accept and allow this writ petition and may be further be pleased to call for the entire record of the case and by way of appropriate writ, order or direction in the nature thereof, thereby, issue the necessary direction(s) to the respondents:-

(i) respondents be directed to revoke the suspension of registration certificate of the vehicles of the petitioners;

(ii) cost of writ petition may also be awarded in favour of petitioner;

(iii) and may pass any other order(s) which this Hon'ble Court deems just and proper in the facts and circumstances of the case."

4. By way of filing this writ petition, a challenge has been led by the petitioner to the impugned order dated 13.06.2025, issued by the office of the District Transport Officer, Kothputli (for short, 'the DTO') whereby the registration of the vehicles in question has been suspended on the ground that the said vehicles were found to be continuously overloaded, beyond the statutory limits, prescribed under the Motor Vehicles Act, 1988 (for short, 'the Act of 1988'). The alleged act of the petitioner has been found to be in contravention of the provisions contained under Sections 52 and





113 of the Act of 1988 and also in contravention of the Rule 115 of the Motor Vehicles Rules, 1989 (for short, 'the Rules of 1989').

5. Counsel for the petitioners submits that prior to passing the impugned order suspending the registration certificates of the petitioners' vehicles, neither any notice nor any opportunity of hearing was afforded to the petitioners and straightaway the registration of the subject vehicles has been suspended arbitrarily, without following the principles of natural justice. Counsel submits that as per the provisions contained under Sections 53 and 114 of the Act of 1988, in the cases involving allegation of vehicle overloading, then it is the bounden duty of the Transport Department to first measure the actual weight of the vehicle and only when it is established that vehicle is overloaded, the punitive action can be taken. Counsel submits that in all these matters, no such exercise was undertaken by the respondents before suspending the registrations of the petitioners' vehicles in question. In support of their contentions, counsels have placed reliance upon the judgment passed by the Orissa High Court in the case of **IRC Natural Resources Private Ltd. Vs. District Magistrate and Collector**, reported in **AIR Online 2019 Ori 278**. Hence, counsel jointly submit that under these circumstances, interference of this Court is warranted.

6. Per contra, counsel for the respondents opposed the submissions made by counsel for the petitioners and submitted that prior to suspension of the registration of the petitioners' vehicles, a registered notice dated 01.05.2025 was duly sent and served upon the petitioners. Counsel submits that the notices were sent through registered post and as per the postal tracking





records, the same were duly served, which indicates that prior to taking any adverse action against the petitioners, principles of natural justice have been followed by the respondents. Counsel submits that as per the provisions of law, a vehicle owner/driver is not permitted to alter the structural capacity of a vehicle but in all these matters, the petitioners have modified the design of their vehicles and thereafter, they were plying these vehicles while overloading them, in utter violation of the provisions contained under Sections 52, 113 of the Act of 1988 and Rule 115 of the Rules of 1989. Counsel submits that after following the due process of law, the impugned action has been taken against the petitioners, therefore, no interference is called for by this Court.

7. Heard and considered the submissions made at Bar and perused the material available on record.

8. Perusal of the impugned order passed by the DTO indicates that the vehicles in question were found to be overloaded for commercial benefits and while treating such overloading to be in contravention of the provisions of the Act of 1988 and Rules of 1989, the impugned orders have been passed by the DTO whereby registration of the subject vehicles has been suspended.

9. As per Section 53 of the Act of 1988, the Registration of a vehicle can be suspended if a contravention of the provisions of the Act of 1988 is duly established and proved. However, in the instant case, the impugned orders have been passed merely on the basis of an assumption that the subject vehicles were found to be overloaded, relying solely on the report received from the Mining Department and without actually measuring the weight of the subject vehicles. The controversy involved in these writ



petitions has been dealt with and decided by the Orissa High Court in the case of **IRC Natural Resources (Supra)** particularly in para 7 and 8 thereof, which read as under:-



"7. The un-disputed facts of the case is that the petitioner in its earlier form was issued a show cause notice under Section 53 of "the Act" under Annexure-2 in respect of 14 vehicles for carrying overload. Despite several opportunities, the petitioner could not file its show cause. Accordingly, the impugned order under Annexure-3 putting the registration certificates of 14 vehicles under suspension on the ground of overloading was passed.

8. A perusal of show cause notice under Annexure-2 and order of suspension under Annexure-3 show that the R.T.O., Sambalpur (opp. Party No.2) came to a conclusion of overloading on the basis of report received from the Deputy Director Mines, Sambalpur. There is nothing to show that in coming to such a conclusion regarding overloading, any report of authorized officer of Motor Vehicle Department who conducted weighing has been relied upon. Section 114 of "the Act" empowers only the authorized officer of the Motor Vehicle Department to get a goods vehicle or trailer weighed if he has reason to believe that the same is being used in contravention of Section 113 of "the Act". Thus, there has been violation of mandatory requirement of Section 114 of "the Act". In such ground, the order under Annexure-3 is liable to be set aside. Though no more is required to be said in the matter, however, for the sake of completeness, this Court is inclined to scan the appellate order. The appellate authority even otherwise has gone wrong in rejecting the appeal merely on the ground that the petitioner had not obeyed the conditions imposed by him though vide order dated 23.10.2007 passed by this Court in W.P. (C) No.13317 of 2007, it was directed that the petitioner may not be compelled to abide by the undertakings given by it pursuant to order dated 17.10.2007. In such background, the petitioner was not supposed to abide by the undertakings vis-à-vis the conditions imposed in the order dated 17.10.2007 passed by the Collector-cum-Chairman, Regional Transport Authority, Sambalpur (opp. party No.2) in M.V. Appeal No.03 of 2007. This shows that there has been total non-application of mind on the part of opp. party No.2 in rejecting the appeal. Similarly, nothing has been



brought to the notice of this Court that while disposing of an appeal, the appellate authority can impose fine under law.”

10. In the instant case also, the respondent-State has failed to produce any material on record before arriving at the conclusion regarding overloading of the subject vehicles. No actual weighing of the vehicles has been conducted and straightaway, it was recorded that the subject vehicles were overloaded.

11. In the considered opinion of this Court, unless and until the allegation of overloading is established by physically weighing the vehicles, the registration of subject vehicles cannot be suspended. Therefore, the impugned orders are not sustainable in the eyes of law. In case, it is found that there has been an alteration in the make/design of the vehicles, it is the bounden duty of the transport authorities, prior to passing any suspension order, to direct the owner/driver of the vehicles to produce their vehicles for inspection.

12. The case of the respondents is that notices were sent to the petitioners through registered post prior to passing the aforesaid impugned order, however, the petitioners dispute the factum of service of notice upon them. Under these circumstances, this Court deems it just and proper to dispose of all these writ petitions by issuing directions to the petitioners to produce their vehicles before the Transport Department, who will examine and inspect the vehicles' make and design and in case any mechanical alteration is found, a detailed inventory shall be prepared and appropriate orders shall be passed strictly in accordance with law and simultaneously, in case no alteration in the make and design of the vehicles is found, the vehicles shall be released forthwith.





The petitioners are directed to produce their vehicles within a period of one month before the respective DTOs who passed the order of suspension of registration of the subject vehicles.

13. Before parting with this order, it is made clear that the order of suspension of registration of the vehicles shall be passed by the Transport Department, only after physical verification of the vehicles, including weighing and measurements of such vehicles that too solely in the cases where overloading is found and established upon such verification. The registration of vehicles should not be suspended based merely on the allegations of overloading on the basis of data or information received from the Department of Mines. The respondents are further directed to grant interim permission to the petitioners for the limited purpose of presenting their vehicles before the respective DTOs on a particular day. This interim period shall be valid only for carrying the vehicles to the respective office of DTO for the aforesaid verification/inspection and shall not authorize the vehicles to ply on the road for any other purpose.

14. With the aforesaid observations and directions this batch of writ petitions stands disposed of. Stay applications and all pending applications, if any, also stand dismissed.

**(ANOOP KUMAR DHAND),J**

Ashu/15 to 46, 49, 50, 56 and 115