

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

S.B. Civil Writ Petition No. 19534/2022

M/s S.r. Carrier, Registered Address- Near Anaj Godam, Chotu Ram Nagar, Rewari Road, Nuh, Mewat (Haryana) Through Prop./partner Sanjay Son Of Shri Meer Singh, Age About 40 Years, Resident Of Jatwara Mohalla, Ward No.11, Toru, Mewat (Haryana)-122105 Registered Owner Of Vehicle Registration No. Hr 74 B 9498

----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. Regional Transport Officer, Rto Office Alwar, District Alwar (Rajasthan)
4. Regional Transport Officer, Rto Office Sikar, District Sikar (Rajasthan)
5. District Transport Officer, Dto Office Bhiwadi, District Alwar (Rajasthan)

----Respondents

For Petitioner(s) : Mr. Aatish Jain, Advocate

For Respondent(s) : Dr. Ganesh Parihar, AAG with
Mr. Vishnu Shankar Badaya, Advocate

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HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA

Judgment / Order

22/12/2022

Challenge in the writ petition is to the action of the respondents whereby, the truck/transport/loading vehicle belonging to the petitioner, registered with various registering authorities, has been categorized as "blacklisted" on the "Vahan

Portal" of the Transport Department for alleged overloading solely on the strength of e-rawanna issued by Mining Department.

On the joint request and with the consent of the learned counsels for the respective parties, this writ petition is disposed off in following terms:

- (i) The respondents shall launch prosecution against the petitioner/vehicle owner who does not wish to opt for Amnesty Scheme floated by the respondents for compounding the offence of over loading valid upto 31.03.2022 within two weeks thereafter.
- (ii) The vehicle of the petitioner/vehicle owner shall be de-classified from "blacklisting" immediately.
- (iii) Learned Additional Advocate General undertakes to get nomenclature from "blacklisting" changed to any other appropriate and suitable nomenclature reflecting offence(s) committed by the driver/vehicle owner, on its "Vahan Portal".
- (iv) In case where the allegation of overloading appears to be false on its face in view of some technical glitch, the petitioner/vehicle owner shall be at liberty to submit a representation for redressal of the grievance(s) within 10 days from today and the learned AAG assures that the same will be considered within a week thereafter vide a

reasoned order with its communication to the petitioner/vehicle owner.

(v) For renewal of permit/fitness certificate/registration certificate or of transfer of registration certificate, the respondents shall proceed in accordance with the statutory provisions contained under the Motor Vehicles Act, 1988 without being influenced by the fact that their vehicles have been classified as "blacklisted".

(MANINDRA MOHAN SHRIVASTAVA),J

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