

GAHC010034752026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1070/2026

TINSUKIA MINI TRUCK OWNERS ASSOCIATION
A SOCIETY REGISTERED UNDER SOCIETY REGISTRATION ACT, 21 OF
1860, REPRESENTED BY ITS SECRETARY, DAROGA RAI, AGE-52,
S/O LATE. DIP NARAYAN RAI
R/O VILL- CHIRAPATI, TINSUKIA, ASSAM, PIN-786125

VERSUS

THE UNION OF INDIA AND 4 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD
TRANSPORTATION AND HIGHWAYS, GOVT. OF INDIA (MORTH),
TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI.

2:STATE OF ASSAM

REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM.

3:SECRETARY TO THE GOVT. OF ASSAM

TRANSPORT DEPARTMENT
DISPUR
ASSAM.

4:DISTRICT TRANSPORT OFFICER

TINSUKIA
ASSAM

5:MANAGER

APPLUS ITEUVE INDIA PRIVATE LIMITED
VILL- LAHOWAL

DIST. DIBRUGARH
PIN-786010

Advocate for the Petitioner : MR. D P CHALIHA, MS M ROY

Advocate for the Respondent : DY.S.G.I., SC, TRANSPORT DEPARTMENT, ASSAM,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 06.03.2026

Heard Mr. D.P. Chaliha, learned Senior Counsel assisted by Ms. M. Roy, learned counsel for the petitioner; Mr. S. Kakati, learned Central Government Counsel for the respondent no. 1; Mr. K. Gogoi, learned Additional Senior Government Advocate for the respondent no. 2; and Ms. M.D. Bora, learned Standing Counsel, Transport Department for the respondent nos. 3 & 4.

2. The petitioner is a registered association of mini truck owners. The petitioner association has projected that by a Notification dated 02.07.2025 an Automated Testing Station is to be set up at Dibrugarh District whereas the Districts of Tinsukia, Dhemaji and Dibrugarh are included in Tinsukia Cluster. It is the case of the petitioner association that the Automated Testing Station ought to have been set up inside Tinsukia District.

3. Ms. Bora, learned Standing Counsel, Transport Department has submitted, on instruction, that by a Circular dated 17.11.2025, the respondent no. 1 has revoked the Parivahan system access of RTOs/MVIs for conducting manual fitness tests and issuing fitness certificates in districts sharing geographical boundaries with districts having operational Automated Testing Stations [ATS].

As per the Annexure to the Circular dated 17.11.2025, one ATS is made operational in Dibrugarh district and therefore, the transport vehicles of the adjoining six districts including Tinsukia, are mandatorily required to get the fitness certificate only from the ATS set up in Dibrugarh district. Ms. Bora has further submitted that as per the mandate contained in amended Rule 62 of the Central Motor Vehicles Rules, 1989, the fitness testing of transport vehicles shall be carried out only through Automated Testing Stations [ATS] from 01.04.2025. It is a decision of the Central government to extend the measure to districts sharing geographical boundaries with districts having ATSs to ensure that the provisions of Rule 62 of the Central Motor Vehicles Rules, 1989, as amended, are implemented. The Central Government has further made a provision that the State Transport Department with reasons can make a special request to reinstitute the Parivahan system. In response to the Circular dated 17.11.2025, the State Transport Department has written to the respondent no. 1 on 09.02.2026 to reconsider the matter of revocation of Parivahan system as due to revocation of Parivahan system and introduction of the system of issuing fitness certificate to transport vehicles only through Automated Testing Stations [ATS], the matter of issuance of fitness certificates has come to a standstill in districts where Automated Testing Stations [ATS] are not available resulting in immense hardship and inconvenience to the transport vehicles owners.

4. The matter would require further consideration.
5. Issue notice, returnable on 01.04.2026.
6. As Mr. Kakati, learned Central Government Counsel has appeared and

accepted notice on behalf of respondent no. 1; Mr. Gogoi, learned Additional Senior Government Advocate has appeared and accepted notice on behalf of respondent no. 2; and Ms. Bora, learned Standing Counsel, Transport Department has appeared and accepted notice on behalf of respondent nos. 3 & 4, issuance of formal notices to the said respondents are dispensed with. However, extra copies of the writ petition along with annexures are to be furnished to Mr. Kakati, Mr. Gogoi and Ms. Bora within 2 [two] working days from today.

7. All the respondents shall ensure that their counter affidavits are filed on or before the returnable date.

8. Ms. Bora has placed a set of documents and the same are kept with the case record.

JUDGE

Comparing Assistant