

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6202 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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MOHSINKHAN BISMILLAHKHAN BIHARI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR NK MAJMUDAR(430) for the Petitioner(s) No. 1

MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 06/05/2026****JUDGMENT**

1. RULE returnable forthwith. Learned Assistant Government Pleader Mr. Nikunj Kanara, waives service of notice of Rule for and on behalf of the respondents.

2. With the consent of the learned counsels for the parties, the matter is taken up for final hearing and disposal.

3. By way of present petition under Article 226 of the Constitution of India read with the provisions of the Motor Vehicles Act and Rules framed thereunder, petitioner has prayed for the following reliefs :

“(A) Be pleased to admit / allow this Petition;

(B) Be pleased to issue appropriate writ, order or directions and be pleased to quash and set aside the action and decision of the concerned respondent authorities of not granting of not considering the request of the petitioner to grant permission/State permit/National permit and fitness certificate to enable the petitioner to use the Truck No. GJ-08-AW-3494 for transportation business, in the interest of justice;

(C) Be pleased to issue appropriate writ, order and/or directions and be pleased to direct the concerned respondent authorities to consider the application of the petitioner and to pass appropriate order for granting State permit/National permit and fitness certificate to the petitioner, as per the rules and regulations published under the provisions of the Motor Vehicles Act and that too subject to compliance of all such rules and regulations and the respondent authorities may kindly be directed to consider the request of the petitioner for granting State permit/National permit for enabling the petitioner to ply to use the Truck No. GJ-08-AW-3494 for transportation purpose, in the interest of justice;

(D) Be pleased to issue appropriate writ, order and/or directions and be pleased to direct the concerned respondent authorities to consider /decide the application / representation dated 24.02.2026 preferred by the petitioner (Annexure-G), after granting an opportunity of hearing to the petitioner, as expeditiously as possible, in the interest of justice;

(E) Be pleased to grant interim relief and by way of interim order be pleased to direct the concerned respondent authorities to consider / decide the representation dated 24.02.2026 preferred by the petitioner (Annexure-G), after granting an opportunity of hearing to the petitioner, as expeditiously as possible, pending admission, hearing and final disposal of the present petition;

(F) Be pleased to pass such other and further orders as thought fit in the interest of justice.”

4. It is the case of the petitioner that, Tata heavy vehicle truck was entered in the name of one Goparam Pancharam, having address at: Arnay teh, Sanhore, Dist.; Jaor, State of Rajasthan, having Registration No. RJ-46-GA-3720. That, one Anvarkhan Nazirkhan Makrani, resident of Swarupganj, Dist.: Sirohi, State of Rajasthan had taken over the aforesaid Truck for transportation business from erstwhile owner, viz. Goparam Pancharam and said Anvarkhan N. Makrani had executed a Deed dated 22.05.2023, by which the said Truck was handed over to

the petitioner. That, the State Transport Department, Bhinmal D.T.O., State of Rajasthan had also issued No Objection Certificate dated 21.08.2023 and ultimately, the said truck came to be transferred and registered in the name of the petitioner in the office of the respondent authority and the said truck was given new registration number as GJ-08-AW-3494. That, the petitioner had already availed financial facility from one financier, i.e. Indostar Capital Finance Ltd. and is making payment of Rs.58,800/- per month. That, the petitioner preferred an application dated 24.02.2026 before the concerned respondent authorities, however, the respondent authorities have not issued any written order / written communication, till date.

5. Being aggrieved and dissatisfied with the action and inaction on the part of the respondent authorities, present petition is preferred.

6. Heard learned counsel appearing for the respective parties.

7. Learned counsel for the petitioner has submitted that the application made by the petitioner before the concerned respondent authority is pending since long and till date the same has not been decided by the respondent authority and therefore, learned counsel for the petitioner has urged that the present petition be allowed and the respondent authority be directed to decide the application made by the petitioner within a stipulated time period.

8. Learned AGP Mr. Kanara, appearing on behalf of the respondent authorities, has submitted that the application is pending since long and therefore, this Court may pass appropriate orders to decide the same within a stipulated time period.

9. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. Considering the submissions canvassed by both the sides and considering the facts of the case, the concerned respondent authority is hereby directed to decide the application dated 24.02.2026 made by the present petitioner as expeditiously as possible, preferably within a period of **two weeks** from the date of receipt of writ of this Order, in accordance with law.

10. With the aforesaid direction, the present petition is disposed of Rule is discharged. There shall be no order as to costs. It is, however, observed that this Court has not entered into the merits of the matter

Direct service is permitted.

(HEMANT M. PRACHCHAK,J)

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