

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6789/2026

Ravi Kumar S/o Sh. Hetram, Aged About 67 Years, R/o Dhanak Mohalla, Ward No. 08, Raisinghnagar, Ganganagar (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through Joint Secretary, Transport Department, Govt. Of Rajasthan, Parivahan Bhawan, Sahkar Marg, Jaipur (Raj.).
2. Office Of Transport Commissioner, Through Its Commissioner, Transport Department, Govt. Of Rajasthan, Parivahan Bhawan, Sahkar Marg, Jaipur (Raj.).
3. District Transport Office, Enforcement (E-Detection), Transport Department, Govt. Of Rajasthan, Parivahan Bhawan, Sahkar Marg, Jaipur (Raj.).

-----Respondents

For Petitioner(s) : Mr. Nishit Shah

For Respondent(s) : -

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/03/2026

By way of filing the present writ petition, the petitioner has prayed for the following reliefs:-

"It is, therefore, most respectfully prayed on behalf of the Petitioner that this Writ Petition may kindly be allowed and this Hon'ble Court may be pleased to:

I. Quash the E-Challan No. RJ7294015250825110224 dated 23.08.2025 19.08.2025 (Annex.6), E-Challan No. RJ7294015250820054000 E-Challan No. dated 7). (Annex. RJ7294015250905010287 dated 25.08.2025 (Annex. 8), and E-Challan No. RJ7294015250907123048 dated 29.08.2025 (Annex. 9) AND/OR;

II. Any other appropriate Writ, order or direction, which the Hon'ble Court deems appropriate in the factual matrix of the instant case, may also kindly be passed in favour of the petitioner."

2. Learned counsel for the petitioner submitted that the grievance of the petitioner who holds Driving Licence No. RJ-13A/DLC/13/35533 and owns a Bolero Maxi Truck is that on 17.08.2025, when his vehicle was passing through Thakri Toll Gate, the respondent department, through e-detection, observed that the petitioner's vehicle did not possess a valid fitness certificate (goods vehicle). Consequently, an e-challan with the prescribed penalty was generated for violation of Section 56 read with Section 192 of the Motor Vehicles Act and the applicable Rules.

3. It was further submitted that before the said e-challan could be served upon the petitioner in conformity with Rule 167A(7) of the Motor Vehicles Rules which stipulates that challans under sub-rules (1) and (2) shall be issued in the name of the registered owner of the vehicle and must be accompanied by a notice of offence in electronic form (SMS or e-mail) or in physical form the petitioner was issued subsequent e-challans dated 19.08.2025, 23.08.2025, 25.08.2025, and 29.08.2025, imposing penalties for plying the vehicle without a valid fitness certificate (goods vehicle).

4. Learned counsel for the petitioner submits that had the petitioner been served with the challan and notice of offence as contemplated under Rule 167A(7) of the Motor Vehicles Rules in a timely manner, the default namely, plying the vehicle without a valid fitness certificate (goods vehicle) would have come to his notice, enabling him to take corrective steps to obtain a valid fitness certificate. It is further contended that the delay or failure in service of the challan and notice, as mandated under Rule

167A(7), prior to issuance of the subsequent e-challans dated 19.08.2025, 23.08.2025, 25.08.2025, and 29.08.2025, renders the said actions illegal, as the petitioner was deprived of the opportunity to rectify the default.

5. Rule 167A(7) of the Central Motor Vehicles Rules, 1989 reads as under:

"(7) Challans, under sub-rules (1) and (2), shall be issued in the name of the registered owner of the vehicle and must be accompanied by a notice of offence in electronic form, viz., SMS or e-mail, or in physical form."

6. Having heard the learned counsel for the petitioner and upon perusal of the material available on record, this Court finds no merit in the argument advanced by the learned counsel for the petitioner that, prior to service of the first e-challan dated 17.08.2025, the petitioner could not have been issued subsequent challans. In the opinion of this Court, Rule 167A(7) merely prescribes the mechanism for service of e-challans and notice upon the defaulter; it does not prohibit the issuance of subsequent e-challans or the imposition of penalties for a continuing default. It is the duty of the vehicle owner to ensure that the vehicle is plied on the road with valid certificates and documents. In case of non-compliance with statutory and regulatory provisions, the penalty for a continuing default may increase, unlike a fixed fine.

7. The petitioner cannot shift the burden of obtaining a valid fitness certificate onto the respondents by pleading lack of knowledge regarding the expiry of the same. The action of the respondents in issuing e-challans for continuous default in plying the vehicle without a valid fitness certificate cannot be said to be illegal, arbitrary, or contrary to the rules.

8. In view of the aforesaid discussion, this Court finds no merit in the present writ petition, and the same is hereby dismissed.

9. The stay application and all pending applications, if any, stand disposed of.

(KULDEEP MATHUR),J

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