HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19518/2025

1. Vijay Kumar S/o Daleep Kumar, aged about 47 Years, R/o Hanuman Nagar, Ridmalsar Purohitan, Bikaner, Rajasthan, Registered Owner of Vehicle Registration No. RJ07GB5305
2. Achala Ram Jat S/o Chuna Ram Jat, R/o Kile Ka Pas, Mohangarh, Jaisalmer, Rajasthan, Registered Owner of Vehicle Registration No. RJ15GA6100
3. M/s MRC Int., Udhyog, Jato Ka Bass, Bambloo, Bikaner, Rajasthan, through Proprietor Bodu Devi W/o Keshuram Kukana, R/o Dudi Dharm Katan, M.P. Colony, Bheem Nagar, Bikaner, Rajasthan, Registered Owner of Vehicle Registration No. RJ07GE3926
4. Mukhram S/o Ganpat Ram, R/o Sawar Jaitasar, Sardarshahar, District Churu, Rajasthan, Registered Owner of Vehicle Registration No. RJ07GB8294
5. Krishan Kumar Shihag S/o Brij Lal Shihag, R/o Sawar Sardarshahar, District Churu, Rajasthan, Registered Owner of Vehicle Registration No. RJ 31 GA 6407
6. Daya Ram Bharti S/o Mani Ram Bharti, R/o Kusumdesar, Sawar, Sardarshahar, District Churu, Rajasthan, Registered Owner of Vehicle Registration No. RJ 05 GB 3231

----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 Bikaner, District Bikaner (Rajasthan).
5. District Transport Officer, DTO office Surajgarh, District Churu (Rajasthan).
6. District Transport Officer, DTO office Churu, District Churu (Rajasthan).

7. District Transport Officer, DTO office Didwana, District Didwana Kuchaman (Rajasthan).
8. Regional Transport Officer, RTO office Sikar, District Sikar (Rajasthan).
9. District transport officer, dto office Jhunjhunu, District Jhunjhunu (Rajasthan).

----Respondents

For Petitioner(s) : Ms. Rajani Vyas
For Respondent(s) : Mr. S.S. Naruka, AAG

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

11/12/2025

1. Learned counsel for the petitioners has submitted that the petition has been filed under the provisions of Article 226 of the Constitution of India to seek redressal of the grievances arising from arbitrary and unjust actions of the respondents. It is apprised to the Court that the primary issue herein is that the respondents have suspended the Registration Certificates (RCs) of the petitioners' vehicles / trucks, without complying with the provisions of the Motor Vehicles Act, 1988 and other allied statute. It is further submitted that the said action of the respondents violates not only the procedural requirements of the governing statute, such as issuing notices, providing adequate opportunity for hearing, or ensuring proper service of notices, but also the principles of natural justice. Nevertheless, as a result of the aforementioned, hefty penalties were imposed upon the petitioners for alleged overloading, merely on the basis of third

party evidence, such as reports from the Mining Department, without conducting the physical verification.

2. Learned counsel for the petitioners has relied upon the provisions of Sections 53, 113, 114, 194 of the Motor Vehicles Act, 1988, along with the principles of natural justice and the General Clauses Act, 1897 qua mandatory effective service. It is submitted by learned counsel that if notices or orders are not served at the correct and complete addresses, the service is deemed to be defective and incomplete. Additionally, learned counsel has referred to the provisions of the Code of Civil Procedure (C.P.C.), which mandate granting three - four opportunities for hearing, and has submitted that neither of the aforementioned provisions and procedural mandates were adhered to by the respondents herein.

3. In this regard and to substantiate the contentions made insofar, learned counsel for the petitioners has placed reliance on the judgment of a Co-ordinate Bench of this Court passed on 28.07.2025 in ***S.B. Civil Writ Petition No.9721/2025 (Kanwar Singh & Ors. Vs. State of Rajasthan & Ors)***.

4. Per contra, Mr. S.S. Naruka, learned Additional Advocate General has submitted that as per the software and information provided by the Mining Department and other relevant departments, details regarding gross weight and related credentials are taken; based on which the issuance of *E-Ravanna* and requirements are carried out. It is submitted that an assiduous analysis is conducted by the competent authorities, and after adhering with the due procedure within the prescribed upper limit, appropriate proceedings are initiated.

5. It is further submitted that the principles of natural justice are duly complied with *in-toto*, including the issuance of show cause notices, provisions of a reasonable notice period, and opportunities for hearing or grant of audience. Regarding service of notices, it is emphasized that the addresses provided in the registration certificate remains valid until amended and communicated to the relevant department. Therefore, the contention regarding defective service of notice is not tenable. Additionally, it is submitted that the petitioners have an efficacious alternative remedy as available under the Motor Vehicles Act, nevertheless in the petition at hand, disputed questions of fact are involved and the writ Court ought not to entertain and adjudicate the same. Accordingly, it is prayed that instant petition should be dismissed at the threshold, due to availability of an alternative efficacious remedy and the statutory conditions being complied with.

6. Having heard the contentions made by the learned counsel for both the parties, taking note of the material available on record in the petition and the judgments cited at the Bar, this Court without going into the arena of disputed questions of facts & merits of the petition, is of a view that the impugned order, whereby the Registration Certificates of the vehicles owned/ possessed by the petitioners are suspended, needs to be set aside, for the reasons that the said vehicles are the source of bread and butter of the petitioners and their families. However, the aforementioned revocation shall only be effective subject to a condition that the petitioners along with their counsel concerned shall report to / before the notice issuing authorities, on

27.12.2025, preferably in between 11:00 A.M. to 01:00 P.M. Thereafter, due reply be filed within a period of 15 days.

7. Audience with respect to the same will be provided by competent authority on 12.01.2026. Adjudication of the same be carried out thereafter within a period of 15 days.

8. It is made clear that during the period of consideration of grievances, the RCs of the vehicles owned / possessed by the petitioners, which are suspended, shall be revoked and the status of the vehicle in furtherance to the consequential proceedings as registered and entered upon the official portal concerned, shall be updated without further ado.

9. It is made clear that no prejudice will be caused to either side on account of passing of the present order.

10. In the light of the same, the present writ petition stands disposed of with the aforementioned directions being granted. Pending applications, if any, stand disposed of.

(SANDEEP TANEJA),J

AVINASH GULERIA /32