

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 24th OF NOVEMBER, 2022

WRIT PETITION NO. 27023 OF 2022

Between:-

**VEERENDRA SINGH PANWAR S/O
SHRI. KRISHNA GOPAL SINGH
PANWAR, AGE:56 YEARS,
OCCUPATION: BUS OPERATOR,
R/O KILAGATE KE SAMNE WARD
NO.11, MATAJI MOHALLA,
BORODA, DISTRICT SHEOPUR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI M.S. JADON - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH PRINCIPAL
SECRETARY, DEPARTMENT OF
TRANSPORT, VALLABH BHAWAN,
BHOPAL (MADHYA PRADESH)**
- 2. THE REGIONAL TRANSPORT
AUTHORITY (RTA), CHAMBAL
DIVISION, MORENA THROUGH
SECRETARY RTA CHAMBAL
DIVISION MORENA (MADHYA**

PRADESH)

3. THE DISTRICT TRANSPORT
OFFICER (DTO)/ TAX OFFICER,
SHEOPUR (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SANJAY KUMAR SHARMA – GOVERNMENT
ADVOCATE FOR THE STATE)

This petition coming on for hearing this day, the Court passed the following:

ORDER

The petitioner has filed this petition making a prayer for quashing of model condition No.1 in permit of non-plying of 15 years old vehicles as due to said condition, petitioner will not be able to ply his vehicle which was registered in the year 2008.

Learned counsel appearing for the petitioner submits that earlier identical writ petitions have been decided and the condition attached with the permit has been quashed.

Learned GA for the State submits that similar writ petition W.P. 26845/2021 has already been disposed of by the Coordinate Bench of this Court on 06/12/2021 giving directions *mutatis mutandis* to the order passed in **Writ Petition No.6184/2019 (Smt. Sunita Jain Versus State of Madhya Pradesh)**.

Heard learned counsel appearing for the parties.

The amended Rule 77(1-b) of Madhya Pradesh Motor Vehicles Rules, 1994 was substituted on 28.12.2015. It lays down that the restriction imposed by Sub Rule (1-a) of Rule 77 of the Madhya Pradesh

Motor Vehicles Rules, 1994 so far as it relates to the stage carriage permit will not apply to vehicles, which were registered prior to date of amendment.

In view of aforesaid amendment of 28.12.2015 in the Madhya Pradesh Motor Vehicles Rules, 1994, model condition No.1 that the vehicle which is more than 15 years old will not be operated is quashed in respect of vehicle bearing registration number MP06-P-0165 subject to prevailing Central and State Laws with regard to fitness of the vehicle, age of the vehicle etc.

With aforesaid directions, this writ petition is **disposed off**.

(G.S. AHLUWALIA)
JUDGE