
(2016) 01 JH CK 0210
In the Jharkhand High Court
Case No : W. P. (C) No. 4728 of 2015

Bholu Paswan

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 21-01-2016

Acts Referred:

Central Motor Vehicles Rules, 1989 — Rule 108(1)

Citation : (2017) 2 JLJR 90

Hon'ble Judges : Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. Ganesh Pathak, Advocate, for the Petitioner; Mrs. Chaitali C. Sinha, J.C. to AAG, for the Respondents

Final Decision : Disposed Off

Judgement

Shree Chandrashekhar, J.—Seeking quashing of notification dated 28.01.2015 under Rule 108(1)(iii) under the Central Motor Vehicles Rules, 1989 and for quashing letter dated 18.09.2015 whereby, the petitioner was ordered to remove the red light/yellow light from the car used by him, the present writ petition has been filed.

2. The petitioner, Mayor of the Chas Municipal Corporation, claims that he is a dignitary under Rule 108 of the Central Motor Vehicles Rules, 1989. The grievance of the petitioner is that under notification dated 28.01.2015 the Mayor of a Municipal Corporation has been denied privilege of using red light/yellow light etc. The learned counsel for the petitioner submits that the Hon'ble Supreme Court in "Abhey Singh v. State of Uttar Pradesh and others" in SLP(C) No. 25237 of 2010 and "Abhey Singh v. Union of India and others" in SLP(C) No. 23984 of 2010 directed the State Government to notify categories of high dignitaries and dignitaries for the privilege of using red light with or without flasher, yellow light and blue light. Referring to notifications issued by the Chandigarh Administration Transport Department, notification of the Government of Maharashtra etc., the learned counsel for the petitioner submits that

notification dated 28.01.2015 issued by the State of Jharkhand is in the teeth of Rule 108 (1)(iii) of the Central Motor Vehicles Rules, 1989 and the direction issued by the Hon"ble Supreme Court.

3. A perusal of letter dated 18.09.2015 discloses that in spite of notification dated 28.01.2015 issued by the Transport Department notifying the list of dignitaries/officials, the petitioner continued to use red back on light on his vehicle. Letters dated 21.08.2015 and 18.09.2015 were issued to the petitioner for unauthorised use of red light on his vehicle. In my opinion a violator is not entitled for grant of discretionary remedy by this Court. The list containing post of high dignitaries/officials, prima facie, discloses a reasonable classification and "at the instance of the petitioner", notification dated 28.01.2015 does not warrant interference by this Court. The letter dated 18.09.2015 has been issued ensuring adherence to notification dated 28.01.2015. I find no merit in the writ petition and accordingly, it is dismissed.

4. I.A No. 310 of 2016 stands disposed of.