

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

WEDNESDAY, THE THIRTIETH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NOs: 6949, 6951, 6954, 6982, 7012 & 7056 OF 2015**

**W.P.No.6949 OF 2015**

**Between:**

Mtandt Rentals Ltd., 17/8, West Mada Church Road, Royapuram, Chennai-600013, Tamilnadu. Rep by its Senior Executive (operations), R. Suresh, S/o M. Ramasamy, aged 37 years, H.No. 16-11-16/M/M/80, Prashant Nagar East, Moosaram bagh, Hyderabad- 500036 Telangana State

**...PETITIONER**

**AND**

1. State of Telangana, Rep.by its Principal Secretary, Transport RandB Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex, Somajiguda, Hyderabad.
3. The Asst. Secretary and Regional Transport Officer, RTA, Malakpet, Hyderabad (East), Hyderabad.
4. The Assistant Motor Vehicles Inspector (Code No. 6211), RTA, Hyderabad (East) Office, Moosarambagh, Hyderabad.
5. The Director, Automobile Research Association of India, Regd. Off S.No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune- 411038, Maharashtra.
6. The Registrar, Jawaharlal Nehru Technological University Kukatpally, R. R. District- 500085.

**(RR5 and 6 are deleted from the array of parties as per court dated 18/03/2015 in WP)**

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction particularly one in the nature of a WRIT OF MANDAMUS declaring the proceedings R.No.446/R/2015 dated 19-02-2015 of the 2nd respondent herein in treating Articulating Boom Lift Machine bearing SI.No. 928935 as Motor Vehicle instead of treating the same as Machine as illegal, arbitrary, contrary to the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989, as against the settled law and the principles of natural justice and consequently direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine bearing SI.No. 928935 to the petitioner.

**I.A. NO: 1 OF 2015(WPMP. NO: 9248 OF 2015)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine Bearing SI.No. 928935 to the petitioner.

**W.P.No.6951 OF 2015**

**Between:**

Mtandi Rentals Ltd., 17/8, West Mada Church Road, Royapuram, Chennai-600013, Tamilnadu, Rep by its Senior Executive (operations), R. Suresh, S/o M. Ramasamy, aged 37 years, H.No. 16-11-16/M/M/80, Prashant Nagar East, Moosaram bagh, Hyderabad- 500036 Telangana State.

**...PETITIONER**

**AND**

1. State of Telangana, Rep. by its Principal Secretary, Transport R8613 Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex, Somajiguda, Hyderabad.
3. The Regional Transport Officer, RTA, Medchal, R R District.
4. The Assistant Motor Vehicles Inspector (Code, No. 094), RTA, Medchal Office, R. R. District.
5. The Director, Automobile Research Association of India, Regd. Off S. No. 102, Vetal Hill, Off Paud Road Kothrud, Pune- 411038, Maharashtra.
6. The Registrar, Jawaharlal Nehru Technology University Hyderabad, Kukatpally, R R District - 500085.

( RR5 and 6 are deleted from the array of parties as per court dated 18/03/2015 in WP)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction particularly one in the nature of a WRIT OF MANDAMUS declaring the proceedings R.No.446/R/2015 dated 1902-2015 of the 2nd respondent herein in treating Articulating Boom Lift Machine bearing SI.No. 0300071351 as Motor Vehicle instead of treating the same as Machine as illegal, arbitrary, contrary to the provisions of Motor Vehicles Act, 1988 and Central Motor vehicles Rules, 1989, as against the settled law and the principles of natural justice and consequently direct the respondents 2 to 4 to forthwith release the Articulating boom Lift machine bearing SI.No. 0300071351 to the petitioner.

**I.A. NO: 1 OF 2015(WPMP. NO: 9250 OF 2015)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 to 4 to forthwith release the Articulating boom Lift Machine bearing SI.No. 0300071351 to the petitioner.

**W.P.No.6954 OF 2015**

**Between:**

SS Rise Equipments, H.No.7-1-107, Ferozguda, Secunderabad Rep., by its managing Partner, K.jayanth Reddy, S/o Srinivasa Reddy, Aged 56 Years, R/o 405, Shanthy Apartments, Bhagyanagar Colony, Kukatpally, R.R District-500072

...PETITIONER

**AND**

1. The State of Telangana, Rep.by its Principal Secretary, Transport RandB Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex, Somajiguda, Hyderabad.
3. The Joint Transport Commissioner & ASRTA, RTA Complex, Somajiguda, Hyderabad
4. The Asst.Motor Vehicles Inspector, (Code 6207), Hyderabad, (East Zone) RTA Moosarambagh, Hyderabad.

5. The Director, Automobile Research Association of India, Regd. Off S.No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune-411038, Maharashtra.
6. The Registrar, Jawaharlal Nehru Technological University, Kukatpally, R. R. District-500085.

**( RR5 and 6 are deleted from the array of parties as per court dated 18/03/2015 in WP)**

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a Writ, Order or Direction particularly one in the nature of a WRIT OF MANDAMUS declaring the proceedings R.No.446/R/2015 dated 19-02-2015 of the 2nd respondent herein in treating Articulating Boom Lift Machine bearing SI.No. 0300086385 as Motor Vehicle instead of treating the same as Machine as illegal, arbitrary, contrary to the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989, as against the settled law and the principles of natural justice and consequently direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine Bearing SI.No. 0300086385 to the petitioner.

**I.A. NO: 1 OF 2015(WPMP. NO: 9253 OF 2015)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents 2 to 4 to forthwith release the Articulating boom Lift Machine bearing SI.No. 0300086385 to the petitioner.

**W.P.No.6982 OF 2015**

**Between:**

Mtandt Rentals Ltd, 17/8, West Mada Church Road,Royapuram, Chennai-600013, Tamilnadu, Rep by its Senior Executive (operations), R. Suresh, S/o M. Ramasamy, aged 37 years, H.No. 16-11-16/M/M/80, Prashant Nagar East, Moosaram bagh, Hyderabad- 500036 Telangana State.

**...PETITIONER**

**AND**

1. State Of Telangana, Rep. by its Principal Secretary, Transport RandB Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex,Somajiguda, Hyderabad.

3. The Regional Transport Officer, R.T.A. Medchal, R. R. District.
4. The Motor Vehicles Inspector, (Code No. 6060), Unit Office, Kukatpalli. R. R. District.
5. The Director, Automobile Research Association of India, Regd. Off S.No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune,- 411038, Maharashtra.
6. The Registrar, Jawaharlal Nehru Technological University Hyderabad, Kukatpally, R R District -500085.

**(RR5 and 6 are deleted from the array of parties as per Court order dated 18/03/2015 in WP)**

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction particularly one in the nature of a WRIT OF MANDAMUS declaring the proceedings R.No.446 /R/2015 dated 19-02-2015 of the 2nd respondent herein in treating Articulating Boom Lift Machine bearing SI.No.929411 as Motor Vehicle instead of treating the same as Machine as illegal, arbitrary, contrary to the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989, as against the settled law and the principles of natural justice and consequently direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine Bearing SI.No.929411 to the petitioner.

**I.A. NO: 1 OF 2015(WPMP. NO: 9292 OF 2015)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 to 4 to forthwith release the Articulating boom Lift machine bearing SI.No.929411 to the petitioner.

**W.P.No.7012 OF 2015**

**Between:**

Mtandt Rentals Ltd, 17/8, West Mada Church Road, Royapuram, Chennai-600013, Tamilnadu, Rep by its Senior Executive (operations), R. Suresh, S/o M. Ramasamy, aged 37 years, H.No. 16-11-16/M/M/80, Prashant Nagar East, Moosaram bagh, Hyderabad- 500036 Telangana State.

**...PETITIONER**

**AND**

1. State Of Telangana, Rep. by its Principal Secretary, Transport RandB Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex, Somajiguda, Hyderabad.
3. The Regional Transport Officer, R.T.A. Hyderabad (North), Trimulgiri, Hyderabad
4. The Assistant Motor Vehicles Inspector, (Code No. 6112), RTA, Hyderabad (North) Office, Hyderabad.
5. The Director, Automobile Research Association of India, Regd. Off S.No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune, - 411038, Maharashtra.
6. The Registrar, Jawaharlal Nehru Technological University Hyderabad, Kukatpally, R R District -500085.

**(RR5 and 6 are deleted from the array of parties as per court dated 18/03/2015 in WP)**

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction particularly one in the nature of a WRIT OF MANDAMUS declaring the proceedings R.No.446/R/ 2015 daed 19-02-2015 of the 2nd respondent herein in treating Articulating Boom Lift Machine bearing SI.No.592275 as Motor Vehicle instead of treating the same as Machine as illegal, arbitrary, contrary to the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989, as against the settled law and the principles of natural justice and consequently direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine Bearing SI.No. 592275 to the petitioner.

**I.A. NO: 1 OF 2015(WPMP. NO: 9333 OF 2015)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine bearing SI.No. 592275 to the petitioner.

**W.P.No.7056 OF 2015**

**Between:**

SS Rise Equipments, H.No.7-1-107, Ferozguda, Secunderabad Rep., by its managing Partner, K.jayanth Reddy, S/o Srinivasa Reddy, Aged 56 Years, R/o 405, Shanthi Apartments, Bhagyanagar Colony, Kukatpally, R.R District-500072

...PETITIONER

AND

1. State of Telangana, Rep.by its Principal Secretary, Transport R&B Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex, Somajiguda, Hyderabad.
3. The Joint Transport Commissioner & ASRTA, RTA Complex, Somajiguda, Hyderabad
4. The Asst.Motor Vehicles Inspector, Hyderabad, (Central Zone) RTA Complex, Somajiguda, Hyderabad.
5. The Director, Automobile Research Association of India, Regd. Off S.No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune-411038, Maharashtra.
6. The Registrar, Jawaharlal Nehru Technological University, Kukatpally, R. R. District-500085.

**(RR5 and 6 are deleted from the array of parties as per court dated 18/03/2015 in WP)**

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a Writ, Order or Direction particularly one in the nature of a WRIT OF MANDAMUS declaring the proceedings R.No.446/R/2015 dated 19-02-2015 of the 2nd respondent herein in treating Articulating Boom Lift Machine bearing SI.No. 0300016372 as Motor Vehicle instead of treating the same as Machine as illegal, arbitrary, contrary to the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989, as against the settled law and the principles of natural justice and consequently direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine bearing SI.No. 0300016372 to the petitioner.

**I.A. NO: 1 OF 2015(WPMP. NO: 9388 OF 2015)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents 2 to 4 to forthwith release the Articulating Boom Lift Machine Bearing SI.No. 0300016372 to the petitioner.

**Counsel for the Petitioner : SRI C.L.N.GANDHI**

**Counsel for the Respondents No.1to4 : SRI M.VIGNESWAR REDDY,  
GP FOR TRANSPORT**

**The Court made the following: COMMON ORDER**



**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT PETITION Nos.6949, 6951, 6954, 6982, 7012 and  
7056 of 2015**

**COMMON ORDER:** *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

In all these Writ Petitions, the petitioners have questioned the proceedings issued by respondent No.2 dated 19.02.2015 in treating their Articulating Boom Lift Machine as motor vehicle instead of treating the same as "Machine" as illegal, arbitrary, contrary to the provisions of the Motor Vehicles Act, 1988 and Central Motor Vehicle Rules, 1989.

2. Heard Sri C.L.N.Gandhi, learned counsel for the petitioner and Sri M.Vigneswar Reddy, learned Government Pleader for Transport appearing for respondents in all the writ petitions.

3. **Brief facts of case:**

3.1 The petitioners Companies were established and are engaged in providing safe and reliable industrial and construction equipment and supplies and renting of machinery for Aerial work Platforms, Material Handling Equipments etc. The petitioners also imported certain machines from foreign countries like France and Australia. The MANITOU make Diesel operated Articulating Boom Lift of 180 ATJ model with different serial No. 928935, ii) 2005 JLG 60H 4 x 4

Articulated Boom Lift with Sl.No.0300016372, iii) 200 ATJ model with Sl.No.592275, iv) 180 AJJ Model with Sl.No.929411, v) 2002 JLG 600 AJ with Sl.No.0300086385 and vi) 660 SJ model with Sl.No.0300071351 and one such machine imported from France on 12.08.2013.

3.2 It is further averred that the Boom Lift Machine was working at the project site, the Motor Vehicle Inspector visited the spot, inspected and seized the vehicles/Machines of the petitioners and issued vehicle check report stating that petitioners have to pay life tax and registration charges.

3.3 It is further averred that the State Transport Authorities have treated the equipments of the petitioners as motor vehicles instead of treating the same as machines. Questioning the same, the petitioners filed Writ Petition Nos.3024, 3033, 3038, 3039, 3046 and 3050 of 2015 and the Division Bench of erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh disposed of the said writ petitions by way of common order dated 12.02.2015 directing the respondent No.2 to give opportunity of hearing to the petitioners and pass speaking orders within a period of seven days.

3.4 It is further averred that the petitioners filed representation on 16.02.2015 and respondent No.2 without giving opportunity of

hearing and without furnishing the report submitted by Automobile Research Association of India (ARAI), Pune and report submitted by the expert committee dated 19.02.2015 passed the impugned orders. Questioning the same, petitioners filed the instant writ petitions.

**Submissions of learned counsel for the petitioners:**

4. Learned counsel for the petitioners contended that respondent No.2 without furnishing the reports submitted by the expert committee dated 16.02.2015 and 18.02.2015 and also without giving opportunity of hearing passed the impugned order dated 19.02.2015 and the same is in gross violation of the principles of natural justice and contrary to the earlier order dated 12.02.2015 passed in Writ Petition No.3024 of 2015 and batch.

**Submission of the learned Government Pleader:**

5. *Per contra*, learned Government Pleader submits that respondent No.2 will consider the objections raised by the petitioners and pass appropriate orders in accordance with law after giving opportunity to the petitioners and requested this Court to grant reasonable time.

**Analysis:**

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on

record, it reveals that the petitioners have questioned the impugned proceedings issued by respondent No.2 dated 19.02.2015 on the sole ground that respondent No.2 without furnishing the reports submitted by the expert committee dated 16.02.2015 and 18.02.2015 and also without giving opportunity of hearing passed the impugned order.

7. It is settled principles of law that the decision by the *quasi-judicial* authority while passing the orders ought to have given opportunity to the party and pass orders by giving reasons.

8. In the case on hand, respondent No.2 even without furnishing the report submitted by the expert committee dated 16.02.2015 and 18.02.2015 and without granting opportunity of hearing to the petitioners passed the impugned order and the same is in gross violation of the principles of natural justice.

9. In **Allwyn Housing Colony Welfare Association vs. Government of Andhra Pradesh and others**<sup>1</sup>, the Hon'ble Apex Court specifically held that, no adverse order should be passed against the party without hearing him.

10. In **Udit Narain Singh Malpaharia v. Addl. Member Board of Revenue**<sup>2</sup>, the Hon'ble Apex Court relying upon the judgment in

---

<sup>1</sup> (2009) 9 SCC 489

<sup>2</sup> AIR 1963 SC 786

**King v. London County Council [(1931) 2 KB 215, 243]** held as follows:

“Wherever any body of persons (1) having legal authority (2) to determine questions affecting rights of subjects and (3) having the duty to act judicially (4) act in excess of their legal authority - a writ of certiorari may issue”. It will be seen from the ingredients of judicial act that there must be a duty to act judicially. A tribunal, therefore, exercising a judicial or quasi-judicial act cannot decide against the rights of a party without giving him a hearing or an opportunity to represent his case in the manner known to law. If the provisions of a particular statute or rules made thereunder do not provide for it, principles of natural justice demand it. Any such order made without hearing the affected parties would be void. As a writ of certiorari will be granted to remove the record of proceedings of an inferior tribunal or authority exercising judicial or quasi-judicial acts, *ex hypothesi* it follows that the High Court in exercising its jurisdiction shall also act judicially in disposing of the proceedings before it.”

11. For the foregoing reasons, the impugned order passed by respondent No.2 dated 19.02.2015 is set aside and directed the respondent No.2 to pass appropriate orders in accordance with law after giving opportunity to the petitioners including personal hearing, by furnishing the reports dated 16.02.2015 and 18.02.2015 within a period of three (3) months from the date of receipt of a copy of this order. It is needless to observe that this Court has not expressed any opinion on the merits of the case.

12. With the above direction, all the Writ Petitions are disposed of.

No costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

**SD/- MOHD. ISMAIL**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

**SECTION OFFICER**

To,

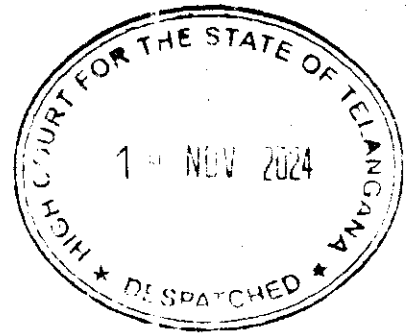
1. State of Telangana, Rep.by its Principal Secretary, Transport RandB Department, Transport wing, Secretariat, Hyderabad.
2. The Transport Commissioner, The State of Telangana, RTA Complex, Somajiguda, Hyderabad.
3. The Asst. Secretary and Regional Transport Officer, RTA, Malakpet, Hyderabad (East), Hyderabad.
4. The Assistant Motor Vehicles Inspector (Code No. 6211), RTA, Hyderabad (East) Office, Moosarambagh, Hyderabad.
5. The Regional Transport Officer, RTA, Medchal, R R District.
6. The Assistant Motor Vehicles Inspector (Code, No. 094), RTA, Medchal Office, R. R. District.
7. The Joint Transport Commissioner & ASRTA, RTA Complex, Somajiguda, Hyderabad
8. The Asst.Motor Vehicles Inspector, (Code 6207), Hyderabad, (East Zone) RTA Moosarambagh, Hyderabad.
9. The Regional Transport Officer, R.T.A. Medchal, R. R. District.
10. The Motor Vehicles Inspector, (Code No. 6060), Unit Office,Kukatpalli. R. R. District.
11. The Regional Transport Officer, R.T.A. Hyderabad (North), Trimulgiri, Hyderabad
12. The Assistant Motor Vehicles Inspector, (Code No. 6112), RTA, Hyderabad (North) Office, Hyderabad.
13. The Joint Transport Commissioner & ASRTA, RTA Complex, Somajiguda, Hyderabad
14. The Asst.Motor Vehicles Inspector, Hyderabad, (Central Zone) RTA Complex, Somajiguda, Hyderabad.
15. One CC to SRI C.L.N.GANDHI, Advocate. [OPUC]
16. Two CCs to GP FOR TRANSPORT, High Court for the State of Telangana. [OUT]
17. Two CD Copies.

BSK

BSR K.P.

**HIGH COURT**

**DATED:30/10/2024**



**COMMON ORDER**

**WP.Nos. 6949, 6951, 6954, 6982,  
7012 & 7056 OF 2015**

**DISPOSING OF THE WRIT PETITIONS  
WITHOUT COSTS**

*20 copies  
td  
18/11/24*