2025:AHC-LKO:77921-DB

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 7426 of 2025

Ajeet Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Transport Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shraddha Tripathi
Counsel for Respondent(s)	:	C.S.C.

Along with :

1. **Writ - C No. 4084 of 2025:**
   Deepak Kumar and another
   Versus
   State of U.P. Thru. Secy. Transport Lucknow and 2 others
2. **Writ - C No. 4710 of 2025:**
   Dildar Ahamad and another
   Versus
   State of U.P. Thru. Secy. Transport Lko. and 2 others
3. **Writ - C No. 9308 of 2025:**
   Santosh Kumar Soni
   Versus
   State of U.P. Thru. Secy. Transport Lko and 2 others

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.
HON'BLE BRIJ RAJ SINGH, J.

(Judgement Dictated In Open court)

1. Heard Ms. Shraddha Tripathi, learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of State-respondents.

2. Since, all the four writ petitions are dealing with the same issue, we have dealt with the same conjointly.

3. These four writ petitions have been filed challenging the order dated

February 5, 2025, wherein the Assistant Regional Transport Officer, Administration Lucknow has restricted the registration of new E-rickshaws and E-autos (herein-after referred to as "E-Rickshaws") for two categories of people. Firstly, E-rickshaw registration is not to be granted to a person, who is already having a registration of E-rickshaw in his favour and secondly, new E-rickshaw registration should only be granted to the persons, who are permanently residing in Lucknow.

4. The petitioners in the several writ petitions have challenged the second portion of the order, wherein registration of new E-rickshaws is restricted to only permanent residents of Lucknow.

5. On an earlier occasion, direction was given to the authorities to file an affidavit with regard to the reason for such a restriction. In some of the matters, affidavits have been filed and upon perusal of the said affidavit, we find that the reason given for imposing such a restriction is as follows:-

"7. That in district Lucknow more than 70% owners of the E Rickshaw and E Auto have not taken Fitness certificate and running those unfit vehicles on road causing great threat to the person using the same, and moreover the owners of E rickshaws and E auto have got registered their vehicles by giving affidavit as they are residing on rent and shown their local address of that rented house, but when they left their rented house it is very difficult to serve any Notice to them relating to end of Fitness or other, and the notices returned to the Office of the issuing authority."

6. On perusal of the above paragraph stated in the counter affidavit filed by respondent No.2 in Writ-C No.4048 of 2025, it appears that the authorities are having trouble in serving notices to persons who are not permanently residing in Lucknow city, as some of these persons, who get registration for E-rickshaw, are giving addresses, wherein they are residing on rent. The authorities submit that it is very difficult to serve any notice upon such persons relating to end of fitness certificate or other notices.

7. The rationale that has been provided by the authorities for depriving persons, who are not residing in Lucknow but are carrying on business in Lucknow, from getting a registration of E-rickshaw is without any basis

in law and is clearly a violation of Articles 14, 19(1)(g) and 21 of the Constitution of India. Any discrimination that is done without having a reasonable classification cannot be countenanced by this Court and the Court is duty bound to strike down such a classification.

8. We are of the view that for controlling the number of E-rickshaws in the city, several other measures can be taken by the authorities, wherein the authorities can restrict the number of registration certificates to be provided in a particular year. Furthermore, stricter action should be taken for impounding of vehicles that are not having proper and valid fitness certificates. However, the reasoning provided for not allowing persons not having a permanent residence in Lucknow is clearly arbitrary in nature as it would patently infringe upon the rights of the persons, who come from nearby places to earn their livelihood in the city of Lucknow. Lucknow being the capital city of the State of Uttar Pradesh results in the confluence of the people from villages in all parts of Uttar Pradesh and encourages people to come to the city to earn their livelihood. A restriction such as the one that has been provided for in the impugned order would act as a hindrance to the same. In fact, the authorities should allow Lucknow to be a melting pot, where people of diverse castes, religions and from different strata of society are allowed to come and work so as to encourage them to participate in the prosperity of the capital city.

9. In light of the same, the impugned order insofar as it relates to this E-rickshaws to be issued only to permanent residents is quashed and aside.

10. With the above directions, all the four writ petitions are disposed of.

(Brij Raj Singh,J.) (Shekhar B. Saraf,J.)

November 26, 2025
Ashutosh

Digitally signed by :-
ASHUTOSH PANDEY
High Court of Judicature at Allahabad,
Lucknow Bench