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

WEDNESDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT PETITION NO: 19539 OF 2025

Between:

Rakesh Boorgula, s/o. Prasanna Rao, Age 38 years, Occ. Law Student, R/o. H. No.4-11-4/SME/03, Plot No.03, Sai Madhav Enclave, Near Shivalayam, Anmagal, Thorrur Road, Hayathnagar, Ranga Reddy Dist, Telangana-501505.

...PETITIONER

AND

1. The Union of India, Represented by the Secretary, Ministry of Road Transport and Highways, Government of India, Ministry of Road Transport and Highways, Transport Bhawan, 1, Parliament Street, New Delhi -110001.
2. The State of Telangana, Represented by the Principal Secretary, Transport Department, Secretariat, Government of Telangana, Hyderabad - 500022.
3. The Director General of police, Khairatabad, Hyderabad, Telangana - 500004.
4. The Commissioner of Police, Rachakonda Commissionarate, RR District State of Telangana.
5. Deputy Commissioner of Police (DCP), L.B. Nagar, RR District State of Telangana.
6. The Assistant Commissioner of Police (ACP), L.B. Nagar, RR District, State of Telangana.
7. Inspector of Police/Station House Officer (SHO), , Vanasthalipuram Traffic Police Station, NH - 65, Prashnth Nagar, Hyderabad, RR District, State of Telangana.

...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 of mandamus or any other appropriate writ, order, or direction declaring Section 129 and 194D of the Motor Vehicles Act, 1988, as ultra vires, unconstitutional, or otherwise invalid is illegal, arbitrary and violative of the Fundamental Rights of Article 14, 19, 21 and doctrine of Basic stricture of Indian Constitution and consequently direct the Respondents authorities to declare

Section 129 and 194D of the Motor Vehicles Act, 1988, as ultra vires, unconstitutional or otherwise invalid in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent No. 7 to release my bike bearing No. AP 24 L 5488 of the petitioner which has been seized, delete all the Unconstitutional Pending Challans (only on not wearing helmet) on e-challan portal to my bike of the petitioner bearing No. AP 24 L 5488 pending disposal of the writ petition, in the interest of justice.

Counsel for the Petitioner: SRI RAKESH BOORGULA (PARTY IN PERSON)
Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India
Counsel for the Respondent Nos.2: GP FOR TRANSPORT
Counsel for the Respondent Nos.3 TO 7: GP FOR HOME

The Court made the following: ORDER

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT PETITION No.19539 of 2025

ORDER: *(Per Hon'ble The Acting Chief Justice)*

The petitioner as party-in-person is heard on admission.

2. In this writ petition, the petitioner has prayed for the following relief:

> "...to issue a writ of mandamus or any other appropriate writ, order, or direction declaring Section 129 & 194D of the Motor Vehicles Act, 1988, as *ultra vires*, unconstitutional, or otherwise invalid is illegal, arbitrary and violative of the Fundamental Rights of Article 14, 19, 21 and doctrine of Basic structure of Indian Constitution and consequently direct the Respondents authorities to declare Section 129 & 194D of the Motor Vehicles Act, 1988, as *ultra vires*, unconstitutional or otherwise invalid in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. The petitioner/party-in-person urged that on 03.06.2025 at around 06:30 PM while he was travelling from Hayathnagar to L.B.Nagar on his bike bearing No.AP 24 L 5488, he was stopped by the police and was asked to show his driving license. When the petitioner showed his driving license, respondent No.7 checked his bike challans and issued 30 pending challans, out of which 28

challans were for not wearing a helmet. The total challan amounts were Rs.8,545/- and respondent No.7 asked the petitioner to pay the said amount.

4. It is further argued that Sections 129 and 194D of the Motor Vehicles Act, 1988 ('the M.V.Act') are unconstitutional and violative of Articles 14, 19 and 21 of the Constitution of India. These provisions are also against basic structure of the Constitution and therefore, deserve to be declared as unconstitutional.

5. It is further canvassed that under Section 129 of the M.V. Act, it is envisaged that every person above four years of age must wear a head gear. However, Sikh community persons wearing turban are exempted. It is urged that helmet is for protection of head irrespective of religion of the person wearing it. Thus, exempting Sikh people wearing turban from wearing helmet is discriminatory and violative of Article 14 of the Constitution. It is averred that Sikh people must and should wear helmet for their protection and exemption is bad in law. Similarly, Section 129 of the M.V.Act talks about children above four years of age only, which means that kids below four years are not affected during accident.

6. No other point is pressed.

7. The petitioner cannot draw parallel in the teeth of Article 14 of the Constitution from the Sikh persons who wear turban. The constitutional validity of a statutory provision can be called in question on limited grounds. The petitioner has not called in question the aforesaid provisions on the ground of legislative competence. The test of equality is applicable amongst equals. Section 129 of the M.V. Act is not assailable merely because it exempts Sikh citizens wearing turban to wear a helmet.

8. The petitioner baldly stated that the impugned provisions are violative of Articles 14, 19 and 21 of the Constitution and hits doctrine of basic structure of the Constitution, but could not elaborate and establish as to how such Articles are infringed.

9. We see no reason to interfere in this petition. The petitioner could not even *prima facie* make out a case for issuance of notice for declaring Sections 129 and 194D of the M.V.Act as unconstitutional. Hence, interference is declined.

10. Accordingly, the Writ Petition is **dismissed**. However, this order will not preclude the petitioner to raise his grievance relating

to traffic challans in appropriate proceedings. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

SD/- L.VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI RAKESH BOORGULA, Advocate [OPUC]
2. One CC to SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India Advocate [OPUC]
3. Two CCs to GP FOR TRANSPORT, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

PSK.
TKS

HIGH COURT

DATED:09/07/2025

ORDER

WP.No.19539 of 2025



DISMISSING THE WRIT PETITION
WITHOUT COSTS

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02/9/25