

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12514/2009

% **Date of decision : 23rd November, 2009.**

SHAMBHU PRASAD PRAJAPATI Petitioner
Through Mr. A. Asthania, advocate.

versus

GOVT. OF NCT DELHI AND ORS. Respondents
Through Ms.Ruchi Sindhwani, advocate for
respondents 1,2, 4 & 5.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

C.M. No.14448/2009

Allowed subject to all just exceptions.

C.M. No.14447/2009

Parties have been heard and the writ petition is taken up for hearing today itself.

Application is allowed.

W.P.(C) No. 12514/2009

Petitioner claims that he has purchased a TSR vehicle no.DL-1RD-3342 from one Mr. Bhola Auto Deal. The petitioner further contends that the said TSR vehicle was challaned and the petitioner was prosecuted and had to pay fine imposed by the court. The aforesaid TSR vehicle stands registered and permit stands issued in the name of one, Mr.Shobh Nath who is not impleaded as a party. It is

the contention of the petitioner that said Mr.Shobh Nath is not traceable as per the police report and he is also facing proceedings under Section 82/83 of Code of Criminal Procedure, 1973. The petitioner has, however, filed on record Form nos. 29 and 30 allegedly executed by Mr.Shobh Nath in favour of Mr.Megh Raj Arora. The petitioner claims that the said transfer by Mr.Shobh Nath in favour of Mr.Megh Raj Arora is fraudulent and contrary to law as the vehicle was already transferred to the petitioner before the said transfer. Mr. Megh Raj Arora is not impleaded as a party.

2. Who is the owner of the said TSR vehicle should be decided by a civil court. These are disputed questions of fact. The petitioner has stated in the Writ Petition that the respondent-registration authorities in view of the complaint made by the petitioner have not carried out any transfer and registration in favour of Mr. Megh Raj Arora in their records.

3. The petitioner has made grievance in respect of another TSR vehicle, DL-1RJ-1827. It is, however, admitted that the petitioner has sold the said vehicle to a third person. As the petitioner has admittedly already sold the vehicle to a third person, the petitioner is not entitled to any relief in the present Writ Petition in respect of the said TSR vehicle.

4. Writ Petition is accordingly not entertained with liberty to the petitioner to file a civil suit to establish his title in respect of the TSR vehicle no.DL-1RD-3342. It will be also open to the petitioner to file an

interim application.

5. Respondent-registration authorities will examine whether there is a general tendency to sell and dispose of TSR vehicles without proper and full documentation as alleged by the petitioner and if required, remedial steps will be taken.

Writ Petition is disposed of. The date already fixed is cancelled.

DASTI.

SANJIV KHANNA, J.

NOVEMBER 23, 2009.

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