

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case: CCP(S) No. 294/2022 IN
WP(C) No. 1032/2021

Rajdev Singh

..... Petitioner(s)/Appellant(s)

Through :- Mr. Ankush Manhas, Advocate

Vs

Ghan Sham Singh Regional Transport
Officer Narwal Jammu.

.....Respondent(s)

Through :- Mr. Rajesh Thappa, AAG

CORAM:
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
23.12.2024

01. The instant contempt petition has been preferred against the order/judgment dated 25.05.2022 passed by this Court in WP(C) No. 1032/2021 by virtue of which a direction was issued to respondent no. 2 to re-register the vehicle of the petitioner-Toyota Camry bearing registration No. HR-26 Y 5674 within a period of 30 days from the date, a copy of the aforesaid order was furnished to respondent no. 2 provided that the petitioner completes all the requisite formalities for re-registration of the vehicle in accordance with the rules in vogue and it was ordered that the circular dated 03.01.2019 shall not come in the way of re-registration of vehicle mentioned above.

02. The petitioner through the medium of the aforesaid writ petition has impugned the circular dated 21.06.2017 issued by the Ministry of Road Transport and Highways, Government of India regarding ban on BS-III vehicle in J&K. The specific case of the petitioner before the writ Court was that the petitioner after completing the requisite formalities for registration approached respondent no. 2 for re-registration of his car but the respondent no. 1 delayed the matter despite the fact that the petitioner had completed all the necessary formalities required for re-registration of the vehicle and respondent no. 2 endorsed the said application thereafter to Assistant Regional Transport Officer (ARTO), Jammu by directing him to provide the petitioner with a copy of the circular regarding ban on BSIII vehicles in Jammu and Kashmir. The petitioner assailed the circular on the ground that the same was discriminatory in nature.

03. The respondents filed detailed reply in which a specific stand was taken that the Apex Court of the Country has banned registration of BSIII vehicles and the circular which was impugned before the writ Court was issued by the Ministry of Road Transport and Highways, Government of India .

04. The further case of the petitioner before the writ Court was that the vehicle was purchased on 20.06.2018 and the said circular was issued on 03.01.2019 and, accordingly, the writ Court was of the considered opinion that once NOC has been issued by the concerned department prior to the issuance of the circular impugned, then the said circular has no applicability so far as the case of the petitioner was concerned and in the aforesaid backdrop, the writ

petition preferred by the petitioner was disposed of by directing respondent no. 2 to re-register the vehicle of the petitioner-Toyota Camry bearing registration No. HR-26 Y 5674 within a period of 30 days from the date of the passing of the aforesaid order provided that the petitioner completes all the requisite formalities for re-registration of the vehicle in accordance with the rules in vogue and the Court while parting with the judgment has specifically observed that the circular mentioned (*supra*) dated 03.01.2019 shall not come in the way of re-registration of vehicle mentioned (*supra*). Since the aforesaid order/judgment was not complied with, the petitioner preferred the instant contempt petition in which notice was issued way back on 02.11.2022.

05. *Per contra*, compliance report has been filed on behalf of the respondents in which the respondents have taken a specific stand that in compliance to the direction passed by this Court, the respondents vide communication dated 09.06.2023 has requested the petitioner to provide necessary documents for re-registration of the vehicle of the petitioner, the details of which are as under:-

- i) Valid NOC
- ii) Valid Insurance Certificate of Vehicle
- iii) Valid Pollution Certificate
- iv) Valid Registration Certificate

06. Respondents have taken a further stand that in reply to the aforesaid communication, the petitioner submitted all the requisite documents required

before the respondents except the Valid Registration Certificate of the vehicle and the petitioner was again requested vide letter dated 13.06.2023 to submit the valid Registration Certificate and inspite of that the said certificate was not submitted by him. Accordingly, respondents could not re-register the vehicle of the petitioner with the expired Registration Certificate.

07. The further stand of the respondent is that the NOC was issued on 20.06.2018 and the registration certificate of the vehicle in question was valid up to 20.05.2020 and the petitioner thereafter applied for the extension of vehicle in 2021 and had applied for re-registration on 28.07.2022 after a gap of more than one year and this was the precise reason that the vehicle could not be registered.

08. Heard learned counsel for the parties at length and perused the record.

09. Since the direction passed by the learned writ Court was specific to the extent of re-registering the vehicle of the petitioner subject to the petitioner completing all the requisite formalities for re-registration of the vehicle in accordance with the rules in vogue and admittedly, in the instant case, inspite of the communications issued by the respondents and reminder thereof, the petitioner has not fulfilled the requisite formalities and has not submitted the valid registration certificate in terms of the rules in vogue. Consequently, the vehicle could not be re-registered, as directed by this Court vide order/judgment passed by the learned writ Court.

10. Thus, the order/judgment passed by this Court in so far as respondents are concerned, stand complied with. Whatever was required to be done by the respondents in conformity with the judgment passed by learned writ Court has been done and the vehicle could not be re-registered in absence of Valid Registration Certificate. Therefore, no fruitful purpose will be served to keep this contempt petition alive and, accordingly, proceedings in the instant contempt petition are closed, as the order/judgment passed by this Court has been complied with in letter and spirit. Rule, if any, shall stand discharged. However, this will not preclude the petitioner to challenge the action of respondents by way of appropriate proceedings, if so advised.

11. The contempt petition is *disposed of*, accordingly.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
23.12.2024
Mihul