

Serial No. 67
Suppl. cause list

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) No. 224/2025

Khadim Hussain

..... Appellant/petitioner(s)

Through: -

Mr. Kacho Manzoor Ali Khan, Advocate

V/s

UT of Ladakh and Ors.

..... Respondent(s)

Through: -

Mr. T. M. Shamsi, DSGI

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)

01.03.2025

1. The case of the petitioner in nutshell is that he has purchased a vehicle from the State of West Bengal, standing already registered with the concerned RTO in the said State under No. WP02AR-1898. That after purchase of the said vehicle, he approached the RTO, Kargil for re-registration of the vehicle as per the provisions of Section 47 of the Motor Vehicles Act, 1988 and the Rule 54 of the rules framed thereunder, but he was astonished upon being directed to pay an amount @ 9% of the declared value of the vehicle on account of token tax for re-registration of the same, as the said issues have already been addressed and decided by two Division Benches and a Single Bench of this Court through orders dated 29.04.2021 passed in WP(C) No. 669/2021 titled Zahoor Ahmad Bhat and Anr. Vs. Government of J&K and Ors., 11.08.2023 passed in WP(C) No. 789/2021 titled Zareena Bano Vs. UT of Ladakh and Ors., and 09.08.2024, passed in WP(C) No. 3117/2023, clubbed with CCP(S) No. 67/2024 titled Ishfaq Ahmad Tramboo Vs UT of J&K and Ors.,.

2. Perusal of the (Annexure-I) to the petition, which is a “No Objection Certificate” issued by the Government of West Bengal State Transport Department PVD Kolkata, reveals that the concerned RTO has issued “NOC” regarding re-registration of the vehicle in the name of petitioner Khadim Hussain. The said “NOC” also reveals the tax validity up to 05.05.2026.

3. In the light of the Judgments of this Court concerning the issue involved as hereinbefore referred to, this Court is of the opinion that the instant petition can be disposed of at this stage by passing appropriate directions, which otherwise are also meant to be obeyed.

4. Accordingly, the instant petition is disposed of at this stage with the direction to the respondent No. 3, i.e., Assistant Regional Transport Officer (ARTO) District, Kargil, UT of Ladakh to allow the application of the petitioner for re-registration of the aforementioned vehicle under law without insisting for payment of 9% of the declared value of the vehicle on account of token tax, however with liberty to the Registering Authority, Kargil to take up the matter with regard to aforesaid vehicle of the petitioner with the Registering Authority PVD, Kolkata West Bengal for re-fund of token tax, paid on the vehicle in question for its payment towards the UT of Ladakh in accordance with the directions already passed by this Court in the aforementioned Judgments.

5. Disposed of along with connected CM(s).

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR

01.03.2025

“Mohammad Yasin Dar”