

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.22406 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Transport (Telangana) for respondents.

2. The grievance of petitioner is that R.C. of the vehicle bearing No.AP 11 AR 7360 owned by petitioner is in the custody of respondents; that it was submitted to respondents by one Asif Shareef who wanted to buy the said vehicle; and that he also submitted an application to 2nd respondent for change of registration of the vehicle, but did not show any interest in the said transfer later.

3. The petitioner contends that he had approached 2nd respondent for return of the original R.C. but 2nd respondent is not willing to give it to him. The petitioner also contends that purchaser had gone back on the pretext that money for the purchase could not be arranged by him.

4. The learned Government Pleader, appearing for respondents, states that petitioner as well as Asif Shareef has submitted an application in Form – 29 seeking change of ownership of the said vehicle on 30.10.2015, and thereafter Sri Asif Shareef had not shown any interest

in pursuing the said application. He also stated that a financier who had alleged that he financed the said transaction had also addressed a letter dt.01.06.2016 to 2nd respondent.

5. The above facts indicate that even though petitioner and Sri Asif Shareef had submitted an application for transfer of ownership of the vehicle, for some reason, Sri Asif Shareef had not pursued it even though eight months have elapsed since submission of the said application.

6. It is not the case of 2nd respondent that 2nd respondent had any *locus* with regard to the sale of vehicle to petitioner nor with regard to the finance of the purchase of the said vehicle from petitioner by Sri Asif Shareef.

7. When Sri Asif Shareef, who allegedly submitted the application for change of ownership of the motor vehicle in Form – 29, did not turn up for a period of eight months, the petitioner cannot be denied the original R.C. of the said vehicle since the same is actually the property of petitioner.

8. Therefore, the 2nd respondent is directed to return the original R.C. of the vehicle to petitioner subject to petitioner filing an undertaking before 2nd respondent that any claim made by Sri Asif Shareef would be met by

petitioner and the 2nd respondent would not be held liable in any manner against any claim which may be made against 2nd respondent by Sri Asif Shareef.

9. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-07-2016

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