

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 10556 of 2015
Date of Decision: 22.8.2016

Inderpal Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Ms. Monica Chibber Sharma, DAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Learned counsel for the parties are ad idem that present writ petition is squarely covered by the order dated 23.12.2014 passed by this Court in CWP No. 4446 of 2014 (Surinder Kumar Vs. State of Punjab and others) and the same may be disposed of in terms thereof.

The relevant observations made by this Court in its order dated 23.12.2014, which deserves to be noticed here, read as under:-

In this case, it appears that after the vehicle was seized the transport authority has also cancelled the licence. Section 192 of the Act contemplates the use of the vehicle without the registration which may be punishable for the fine upto ₹ 5,000/- for the first offense and stepped up in the

manner contemplated in the Section for continuance of the breach.

The act of the respondent in causing seizure of the vehicle is contrary to law and it is quashed. The vehicle is ordered to be released and I have the undertaking of the petitioner through his counsel that the vehicle will be restored to its original condition. The petitioner will undertake such an exercise within 4 weeks from the date of the release and present it before the Registering Authority, within a week thereof. On such production, the Registering Authority shall cause the inspection and proceed to pass the appropriate orders in the manner contemplated under Section 53 of the Act. The cancellation of registration which is said to be a consequent event to seizure is also quashed. The release of the vehicle shall be done by the respondent forthwith, within two days, from the receipt of the copy of the order.”

In view of the abovesaid common stand taken by learned counsel for the parties, present writ petition is disposed of in terms of the order dated 23.12.2014 passed by this Court in **Surinder Kumar's case** (supra). However, it is made clear that petitioner shall be bound by the directions issued by this Court, before the vehicle in question is released in favour of the petitioner. He shall also furnish an undertaking before the competent authority that he will restore the vehicle to its original condition and thereafter, he shall present the vehicle before the Registering Authority for its inspection. The Registering Authority shall be at liberty to pass an

appropriate order, strictly in accordance with law and also keeping in view that abovesaid directions issued by this Court in **Surinder Kumar's case** (supra).

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

22.8 .2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No