

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 6507 of 2016
Date of decision:06.04.2016

Gurpartap Singh Gill

....Petitioner

Versus

U.T., Chandigarh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Raj Kumar Gupta, Advocate, for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ of mandamus directing respondent No. 2 to register the vehicle Mahindra Thar and further directing respondents No. 3 and 4 to refund double the amount paid to them by the petitioner and directing respondent No. 6 to register an FIR against respondents No. 3 and 4

Learned counsel for the petitioners contends that whenever a person purchases a vehicle, an invoice is issued. In the present case Harbir Automobiles from whom the petitioner has purchased the vehicle has issued invoice dated 05.12.2015 (Annexurer P-1) and the temporary registration certificate (Annexure P-2), which is valid for the limited purpose of plying the vehicle on road for a period of one month only. Learned counsel for the petitioner while referring to copy of objection (Annexure P-6) submits that it is not within the power of the petitioner to mention the 'Code' rather it is mentioned by the selling

agency or the manufacturer for registration of the vehicle with the concerned registering authority. Vehicle of similar make has already been registered by the authorities vide Annexure P-11. He further contends that a vehicle which cannot be otherwise registered cannot be issued a temporary certificate and the U.T. Administration has played a fraud.

I have considered the contentions raised by the learned counsel for the petitioner and perused the record.

Annexure P-8 order dated 18.3.2014 of State Transport Authority, U.T., Chandigarh reads as under:-

“Approval of the Secretary Transport, Chandigarh Administration, Chandigarh is hereby accorded for the registration of vehicle for vehicle basic Model MM540 THAR, Passenger vehicle (4WD) BS-III & BS-IV(6+1) norms and its variants with engine model 'NEF 4 cyl.2.49 L CRDe BU' in the U.T., Chandigarh as the same complies with the provision of Central Motor Vehicles Rules, 1989 as per technical specifications of vehicle Model approved by Vehicles Research & Development Estt. Ahmednagar-414 006 (Maharashtra) vide its certificate No. CAFN-0282 dated 12th October, 2010.

AS DECLARED BY MANUFACTURER			
Basic Model	MM 540 THAR	GVW (Kg)	Seating Capacity
Type	Passenger Vehicle (4WD)	2200	7 Persons (Including driver)
Category	M 1		
Certificate No. VAFB-0282 dated 12 th October 2010			

This approval is issued subject to the conditions and compliance requirement mentioned in Certificate No. VAFN-0282 dated 12 October, 2010 issued by the Vehicles Research & Development Estt. Ahmednagar-414 006 (Maharashtra).”

Admittedly, the petitioner has already been issued temporary certificate but as per the instructions issued by Secretary, State Transport Authority, UT, Chandigarh, certain requirements are required to be fulfilled for registration of a vehicle. Registration, if any, will be

subject to the certificate No. VAFN-0282 dated 12.10.2010, which is issued by the Vehicles Research & Development Estt., Ahmednagar-414 006 (Maharashtra). The petitioner has not annexed relevant documents on record including the documents of vehicle sought to be registered to indicate that the said vehicle fulfills all the conditions as mentioned in the certificate dated 12.10.2010. In these circumstances this Court cannot appreciate if the vehicle which is sought to be registered fulfills the requisite conditions or not. Mere reference to Annexure P-11 that identical vehicle has been registered is not sufficient. The manufacturer is also required to issue specific certificate that the vehicle fulfills the conditions as mentioned in Annexure P-8. The objection itself is clear that 'Code' is not available. The petition is lacking in many aspects.

In view of above, I do not find any justification to issue any direction, specifically mandamus that the vehicle should be registered, when the minimum requirement of certificate, which is necessary for registration of a vehicle which are road worthy, is not available. Allowing unauthorized vehicles which are not in consonance with the certificate issued by the Competent authority, to ply on roads, may be hazardous and cause danger to life and property.

Dismissed.

06.04.2016

PA

(Paramjeet Singh Dhaliwal)
Judge