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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 1187/2016 & C.M.No.43127/2016**

DY COMMISSIONER-CUM-DISTRICT COLLECTOR
(NORTH-WEST)

..... Petitioner

Through: Mr. J. M Kalia and Ms. Bhawana
Garg, Advocates

versus

RAKESH & ORS

.....Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
21.11.2016

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Impugned order of 4th October, 2016 notes that despite directions, no report from Registrar/Sub-Registrar was furnished before the learned Tribunal and in such a situation, bailable warrants has been issued against the Collector for 22nd November, 2016.

The challenge to the impugned order by learned counsel for petitioner is on the ground that the powers, which are to be exercised to comply with the provisions of Section 174 of *the Motor Vehicles Act*, are exercised by Additional District Magistrate and not by Collector and so, bailable warrants ought not to be issued against the concerned Collector. To submit so, reliance is placed upon Supreme Court's decision in *R.S. Singh v. U.P. Malaria Nirikshak Sangh & Ors.*, (2011) 4 SCC 281.

Since none had appeared for the decree-holder when the impugned order was passed, therefore, notice of this petition to respondent-decree holder is not required to be issued.

Upon hearing and in view of the facts and circumstances of this case, four weeks' time is granted to the concerned ADM to produce the report from the Registrar/Sub-Registrar regarding the details of the property of the judgment debtor and if it is not so done, then impugned order shall operate.

With aforesaid directions, this appeal and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

NOVEMBER 21, 2016

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