

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1444 of 2013**

Sajid Ali, S/o. Lt. Jalil Ali, Aged About 28 Years, R/o. Beside Ali Kirana Fiaz Nzgar, Talapara, Bilaspur, P.S. Civil Line, Civil & Revenue Distt. Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Tata Motor Finance Ltd. Through Constituted Attorney Head Office, Cyber Tech House 1st Floor Plot No. B-63-65, Road No. 21-34 J B Sawant Marg, Wagle Marg Estate Thane 400604, Civil, Revenue & District Thane, Maharashtra
2. Tata Motor Finance Ltd. Through Manager, Branch Office Above State Bank, Shanti Nagar Ring Road, No. 2 Bilaspur, Civil, Revenue & Distt. Bilaspur, Chhattisgarh
3. Registration Authority, Regional Transport Office, C.M.D. Chauk Ring Road No. 2, Bilaspur, Civil, Revenue & District Bilaspur, Chhattisgarh
4. State Of C.G., Through Secretary, Transport, Mahanadi Block, Naya Raipur Civil, Revenue & District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Mukesh Sharma, Advocate
For Respondent No.1 & 2	:	Mr. Rajeev Bharat, Advocate
For Respondent No.3 & 4	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22.07.2019**

Heard

1. The present petition has been filed for the following relief :
 - (i) That, respondents No.1 & 2 be directed to produce entire records pertaining to the vehicle transferred by them to petitioner authorizing them to retain and transfer the vehicle to the petitioner on receipt of cost of vehicle, if they fails to do so they are directed to refund the cost of vehicle charged by them along with compensation and receive the vehicle back from the petitioner.

- (ii) That, writ of certiorari or any other appropriate writ or direction be issued to respondents No.3 & 4 for carrying out inquiry into the matter of illegal operation of vehicle and business carried out by them in the State of Chhattisgarh to avoid illegal operation of vehicles in the State of Chhattisgarh.
 - (iii) That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit and proper in the facts and circumstances of the case.
 - (iv) Cost of the petition.
2. It is contended that the petitioner had purchased a vehicle from respondent No.1 & 2 which was allegedly seized from other customer. The vehicle was bearing No. CG 10 F 3986, Model was INDICA DLS, Engine No. was 475IDI03BRZP25150 & Chasis No. was 600149BRZP31117. The petitioner contends that after purchase of the said vehicle, which had original Engine No. 475IDI03BRZP25150 & Chasis No. 600149BRZP31117 when he applied for registration of the vehicle in his name for transfer, the same was not registered on the ground that the vehicle No. CG 10 F 3986 do not bear the same Engine number & Chasis number and therefore he was unable to get the vehicle registered in his name. It is further contended that though the purchase was made on assurance of the respondent No.1 & 2, the registration could not be effected and the owner of the said vehicle was said to be one Quresh Begum and the vehicle was not registered in her name anywhere, therefore, appropriate orders may be passed.
3. Per contra, learned counsel for the respondent No.1 & 2 would submit that the concerned vehicle was surrendered by the loanee who obtained the vehicle on loan whose name was Quresh Begum. It is stated that the finance are being made on the basis of Chasis number & Engine number and subsequently it may happen that the number of the vehicle and the registration was wrongly supplied by the loanee, Quresh Begum. He further

submits that disputed question of fact falls for consideration in this petition, therefore, the petition would not be maintainable. He relied on (2015) 4 SCC 670 {*K.K.Saksena v. International Commission On Irrigation & Drainage & Others*} and submits that since the disputed question of facts have been arisen, the writ jurisdiction may not be invoked.

4. The reply of the State is also on record. According to the State, the vehicle which was sold bearing No.CG 10 F 3986 was registered in name of one Mohd. Mobbin and Engine number of the vehicle is 4751D103HSZPC0252 and Chasis number is 600149HSZPC2232. Therefore the vehicle which was sold by Registration number was a different one.
5. Prima facie as it reflects that the vehicle CG 10 F 3986 having different Engine number & Chasis number according to Annexure P-2 was sold to the petitioner. Perusal of Annexure P-1 would show that the customer name was written as Quresh Begum and according to the contents of Annexure P-1 & P-2 Quresh Begum / Mohd. Arif was having Hypothication Agreement No.5000283727 and for non-payment of dues, the said vehicle was seized and thereafter was sold to Sajid Ali, the petitioner herein. According to the contention of the petitioner when the vehicle was required to be registered in his name, the petitioner herein, the same could not be done because of discrepancy in the Engine number and Chasis number with the registration number and those factual aspect has been supported by State too.
6. In the facts of this case, it appears that the issue requires a detail evidence to be appreciated, which this Court need not go into detail. However, the fact remains the vehicle bearing No.CG 10 F 3986 was sold to the petitioner stating certain number that of Quresh Begum but eventually when the Engine number & Chasis number of the vehicle was tallied, it did not match. Under the circumstances, the respondent No.1 & 2, who sold the vehicle to the petitioner are liable to correct the same and corrective measure have to

be adopted by them. With this observation, the petition is disposed off and further it would be open for the petitioner to seek appropriate remedy as available to him under the law including the criminal prosecution, if so advised.

Sd/-
Goutam Bhaduri
Judge

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