

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

**CWP-10362-2019 (O&M)
Date of Decision:22.04.2019**

Harmandeep Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Manjinder Singh Saini, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus for directing respondents No.2 and 3 i.e. the District Transport Officer, Ludhiana and the District Transport Officer, Hoshiarpur respectively to issue the necessary certificate as regards cancellation of the Registration Certificate of vehicle bearing registration No.PB-10-BT-4141 (make Skoda Octavia).

It has been averred that the petitioner purchased a second hand vehicle bearing registration number as afore noticed and which had initially been registered with the District Transport Office, Ludhiana. Petitioner being a permanent resident of District Hoshiarpur had got the ownership of the vehicle transferred in his own name at the office of District Transport Officer, Hoshiarpur. On 21.12.2016, the vehicle entailed total loss on account of fire. DDR No.23 dated 23.12.2016 was registered. Since the vehicle was insured with the Oriental Insurance Company, the incident was reported to the concerned branch of the Insurance Company where upon the surveyor visited the place of occurrence and inspected the damaged vehicle and assessed the total loss suffered to be Rs.1,73,000/-. The Insurance

Company on the basis of the report submitted by the surveyor, passed the claim of Rs.1,73,000/- in favour of the petitioner subject to the condition that the Registration Certificate (R.C.) be got cancelled from the concerned authority.

Counsel submits that an application dated 20.02.2019 (Annexure P-8) seeking cancellation of the Registration Certificate of the vehicle in question was made to the District Transport Officer, Hoshiarpur but the same has not even been entertained.

Counsel would advert to Section 55 of the Motor Vehicles Act, 1988 and as per which if a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner within 14 days or as soon as may be possible report such fact to the Registering Authority within whose jurisdiction he has residence. The Registering Authority if it is the original Registering Authority is obligated to cancel the registration as also the Registration Certificate and if it is not the original Registering Authority, is bound to forward the report and Registration Certificate to the original Registering Authority for purposes of cancellation.

Counsel argues that respondent No.3 is not even entertaining the application dated 20.02.2019 (Annexure P-8) and as such the petitioner has been left with no other option but to approach this Court for issuance of necessary directions.

Notice of motion.

On the asking of the Court, Ms. Sunint Kaur, learned AAG, Punjab accepts notice on behalf of respondents No.1 to 3 and waives service.

Two complete copies of the writ paper book have been furnished to learned

State counsel.

Statement of learned State Counsel is recorded to the effect that respondent No.3 i.e. the District Transport Officer, Hoshiarpur, Punjab would duly accept the application dated 20.02.2019 (Annexure P-8) and the same would thereafter be processed in accordance with law and as per provisions of the Motor Vehicles Act, 1988.

In the light of such statement recorded, no further directions are required to be passed.

Writ petition is disposed of.

22.04.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |