

1st August,
2022
(AK)
05

W.P.A 14759 of 2022

Smt. Sima Chopra
Vs.
The Regional Transport Authority (RTO) and others

Mr. Deep Bhattacharyya
Mr. Dulal Kumar Bhattacharyya
Ms. Anisha Dasgupta
Ms. Puja Talukder
...for the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the State-respondent.

Learned counsel for the petitioner submits that the petitioner purchased a vehicle by virtue of an auction sale and the Bank, in respect of which the vehicle was initially hypothecated, has given all documents indicating that there are no further dues from the petitioner or in respect of the vehicle to the Bank.

It is submitted that subsequently, behind the back of the petitioner, the borrower obtained an order of status-quo from the civil court in a suit in which neither the petitioner nor the Regional Transport Authority (RTO) are parties.

As such, it is submitted that there is no bar on the RTO to register the vehicle of the petitioner as per the petitioner's prayer.

Upon hearing learned counsel for the parties, it transpires that since neither the petitioner nor the

Regional Transport Authority (RTO), Alipore are parties to the suit in respect of which status-quo order has been passed, that is, Title Suit No.216 of 2020 pending before the Fifth Bench, Judge-in-Charge, City Civil Court at Calcutta, the status-quo order, even if any, does not bind the petitioner or the respondent no.1.

That apart, since the Bank has nothing further to do in respect of releasing the vehicle subsequent and pursuant to the auction sale in favour of the petitioner, such status-quo order in a suit where neither the petitioner nor the RTO are parties cannot operate as an impediment in any way on the Regional Transport Authority to grant registration of the petitioner's vehicle.

Accordingly, WPA 14759 of 2022 is allowed, thereby directing the respondent no.1 to register the petitioner's vehicle being no.WB-19H-3999, as per Annexure-P6 to the writ application, subject to the petitioner complying with all necessary formalities in law otherwise, expeditiously, preferably within four weeks from date positively.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)