

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

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CWP-19245-2022
Date of Decision: 30.08.2022

SUBHASH CHANDER AND ANR.

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ankur Sidhar, Advocate for
Mr. Rajesh Khandewal, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. AG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents to renew the Certificate of Registration of the vehicle make Hyundai Accent and to transfer the ownership by accepting the application of the petitioners.

Learned counsel for the petitioners contends that the vehicle bearing Registration No.HR-70A-9875 make Hyundai Accent was owned by the brother of the petitioners and that the transfer of the abovesaid vehicle is being sought between the brothers itself. However, when the petitioners approached the office of respondent No.3 i.e. Registering Authority, the file was returned by stating that system is showing an alert, which reads thus:

**“Chasis No.MALCH41WRCM170621 already exists in
Electronic City RTO (Karnataka) for Vehicle
No.KA03MG6129.”**

He contends that the chassis number is being wrongly fed in the system since the chassis of the vehicle of the petitioner is ‘MALCH41WRCM170621*G’ and the same does not match the alert being reflected in the system of the Registering Authority. Learned counsel contends that a legal notice has already been served upon the respondents and he would be satisfied at this stage in case the respondents are directed to look into and decide the same in accordance with law.

Notice of motion.

Mr. Vivek Chauhan, Addl. AG, Haryana, who is present in the Court, accepts notice on behalf of the respondents and submits that he has instructions to contend that the vehicle in question is a diesel vehicle and is more than 10 years old and that the Registration Certificate of the same cannot be renewed and/or transferred as the diesel vehicles more than ten years old have to be taken off the road in terms of the applicable rules and regulations. He, however, does not dispute the fact that the aforesaid aspect is not reflected in the 'reason' assigned by the respondent authorities. Furthermore, he has no objection to the prayer made by the counsel for the petitioners being allowed to the extent of directing the authorities concerned to decide the legal notice of the petitioners by passing a speaking order.

Hence, without commenting upon the merits of the case and taking into consideration the contention raised by the respective parties, the present petition stands disposed of while directing the respondent No.3 to look into the legal notice dated 14.06.2022 (Annexure P-3) and decide the same by passing a speaking order within a period of four months from the date of this order after granting an opportunity of hearing to the petitioners.

Petition stands disposed of accordingly.

30.08.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*