

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

109+247

LPA-459-2022 (O&M)

Date of decision:21.09.2023

Naresh Dilawari

... Appellant

Vs.

State of Punjab & others

... Respondents

2. LPA-501-2022 (O&M)

Naresh Dilawari

... Appellant

Vs.

State of Punjab & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL.
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Appellant in person.

Ms. Deepali Puri, Additional Advocate General, Punjab.

Mr. Deepak Goyal, Advocate for respondent No.3,
in LPA-459-2022, respondent No.5 in person and
for respondent No.6 in LPA-501-2022.

Respondent No.4 in LPA-459-2022 in person and
respondent No.7 in LPA-501-2022.

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DEEPAK SIBAL, J. (ORAL).

1. Since both these intra Court appeals arise from a common judgment of a learned Single Judge of this Court, these are being heard and disposed of together.

2. The facts, in brief, are that on 16.11.2009, one Amit Kumar @ Vishal Kumar, who was a resident of Zirakpur, Punjab purchased a Tata Indica (Vista) car (for short - the car) from Joshi Auto Zone Pvt. Ltd,

Chandigarh to which a temporary registration number being CH-18T-2758 was assigned. The car was financed by the State Bank of Patiala. Since Amit Kumar @ Vishal Kumar was not able to repay the loan, he sold the car to the appellant. The car was involved in a criminal case registered vide FIR No.233, dated 22.11.2009, under Sections 420/467/468/ 471/473/120-B IPC at Police Station Phase-VIII, Mohali against Sukhwinder Singh etc. and therefore, possession of the car was taken by the police. Later, the car was released to the appellant on *superdari*. The appellant then filed an application before the registration authority in Chandigarh for registration of the car in his name which application of his, through order dated 04.12.2014, was rejected on the ground that Amit Kumar @ Vishal Kumar who was the seller of the car was a resident of Zirakpur, Punjab. The appellant challenged such rejection through an appeal but when such appeal was not decided, he filed CWP-14625-2015 before this Court which was disposed of with a direction to the Appellate Authority to decide the appellant's appeal within two weeks. Thereafter, the Appellate Authority dismissed the appellant's appeal. The appellant then challenged such dismissal before this Court through a writ petition being CWP-21190-2015 - Naresh Dilawari Vs. Union Territory, Chandigarh & others which petition of his was dismissed on 18.05.2018. The appellant then filed an application for registration of the car with the Registration Authority, Mohali, Punjab. His application was accepted. Resultantly, the car was initially registered in the name of Amit Kumar @ Vishal Kumar and then its registration was transferred in the appellant's name. The Regional Transport Authority, Mohali (for short 'RTA') then received two complaints from Deepak Goel and Charanjit Singh

alleging therein that the car had been got transferred by the appellant in his name on the basis of fake and forged documents. On receipt of such complaints, the RTA issued notice to the appellant dated 20.11.2020 requiring him to respond to the allegations made against him. In the meanwhile, the RTA blocked further transfer of the car. The action of the RTA with regard to blocking of the car with regard to its further transfer as also the issuance of the aforesaid notice dated 20.11.2020 to the appellant was challenged by him before this Court through two separate petitions being CWP-16777-2020 and CWP-25540-2021. On being put to notice, the State filed a reply in CWP-16777-2020 through which the Court was informed that the aforesaid 02 complaints were being inquired into. After considering the afore stand taken by the State, the learned Single Judge disposed of both the petitions filed by the appellant with a direction to the State to conclude the pending inquiry with regard to the complaints received by the RTA within six months. Such order passed by the learned Single Judge is the subject matter of challenge before this Court through the present intra Court appeals.

3. During the pendency of the present appeals, the RTA continued with the inquiry with regard to the aforesaid complaints received by it. The appellant participated in such inquiry. At the conclusion of the inquiry it was found that the documents submitted by the car's first owner were fake and forged. Therefore, the initial registration of the car was ordered to be cancelled. Since the car had thereafter been transferred in the name of the appellant and that too on the basis of an affidavit given by the car's initial owner Vishal Kumar, such transfer was also found to be tainted. Therefore,

the subsequent transfer of the car was also ordered to be cancelled.

4. The appellant challenged the order/inquiry report dated 09.08.2022 passed by the RTA. Such challenge was made through CWP-19614-2022 – Naresh Dilawari Vs. State of Punjab & others which petition was dismissed by a learned Single Judge of this Court on 01.09.2022. However, the learned Single Judge granted liberty to the petitioner to file an appeal against the order/inquiry report dated 09.08.2022. The appellant then challenged the order of the learned Single Judge through an intra Court appeal being LPA-846-2022 – Naresh Dilawari Vs. State of Punjab & others, which appeal was also disposed of by permitting the appellant to file an appeal against the order of the RTA. Thereafter the appellant filed a statutory appeal challenging therein the order dated 09.08.2022 passed by the RTA. While such appeal was pending, he again approached this Court through CWP-24094-2022 - Naresh Dilawari Vs. State of Punjab & others seeking therein issuance of directions to the Appellate Authority to expeditiously dispose of his appeal. Through order dated 15.11.2022 this Court disposed of the appellant's petition by directing the Appellate Authority to decide the appellant's appeal within six weeks. It was further directed that if the appeal of the appellant was not decided within six weeks, at least the appellant's prayer for interim relief be adjudicated upon. The appellant's appeal filed against the order of the RTA dated 09.08.2022 was dismissed by the Appellate Authority on 02.01.2023 as the Appellate Authority was of the view that the initial registration of the vehicle in question was based on fake and false documents and therefore, the subsequent registration of such vehicle in the appellant's name was also not

sustainable. The appellant has challenged before this Court the orders passed by the Appellate Authority through CWP-7782-2023 which petition of his is pending. The same is now listed for hearing on 22.11.2023.

5. The appellant and learned counsel for the respondents have been heard and with their able assistance the record of the case has also been perused.

6. The RTA received complaints alleging therein that the appellant's car had been initially got registered and thereafter transferred in the appellant's name on the basis of forged and fabricated documents. In this regard, a notice was issued by the RTA to the appellant giving him an opportunity to respond to such allegations. In the meanwhile, further transfers of the car were blocked by the RTA. Such action of the RTA was challenged by the appellant through two separate petitions which have been disposed of by a learned Single Judge of this Court with a direction to the State to inquire into the afore complaints in a time bound manner.

7. Through his petitions, the appellant had rushed to this Court to challenge therein a show cause notice and that too before even filing a reply thereto. Evidence was required to prove or rebut the allegations contained in such notice. During the course of hearing of the appellant's petitions, the learned Single Judge was informed by the State that the RTA had already initiated an inquiry to unearth the truth, if any, behind such allegations. Therefore, the learned Single Judge committed no error in disposing of the appellant's petitions by directing the State to conclude the already initiated inquiry in a time bound manner.

8. Further, during the pendency of the present appeal, the inquiry

by the RTA stands concluded. The appellant participated in the same. He even challenged its outcome through filing of a statutory appeal on the dismissal of which, he has now challenged the order passed in such inquiry as also the order passed by the Appellate Authority through another writ petition which is pending before this Court.

9. In the light of the above as also the subsequent events which have taken place, the present intra Court appeal is dismissed. However, liberty is granted to the appellant to raise all the issues that may be available to him, in accordance with law, in the writ petition already filed by him and which is pending before this Court being CWP-7782-2023 - Naresh Dilawari Vs. State of Punjab & others.

10. No costs.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

21.09.2023

harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |