

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-11185-2023
Date of decision: 29.05.2023

GURJANT SINGHPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

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

Present:- Ms. Kusum Raj, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents No.1 to 3 to issue the Registration Certificate/Registration Mark for the motorcycle of BS-VI emission norms, as required under Sections 39-41 of the Motor Vehicle Act, 1988.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is handicapped person and he bought a vehicle for his livelihood. After having made the payment for the motorcycle, including the payment for the Taxes, since taxes are payable at the dealership itself, the bill with tax invoice, alongwith the sale certificate in the favour of the petitioner, which is issued as Form No. 21 under rule 47(a)(d) of the Centre Motor Vehicle Rules, 1989 was issued in the name of the petitioner by the

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respondent No.5. The aforesaid taxes are paid by the agency to the Government of Punjab and the petitioner had made the total payment of Rs. 4042/- as total taxes payable for the new registration. The receipt dated 01.11.2022 is annexed as Annexure P-4. Therefore, the petitioner was expecting that the registration certificate, complete in all aspects would be received within the time period of about 14 days but till today, the registration certificate has not been received.

3. The petitioner had approached the respondent No.5 as regards the issue or the reason as to why the registration certificate had not been issued and the petitioner was informed that due to some issue regarding BS-IV vehicles having been sold after 01.04.2020, the ID on the VAHAN 4.0 portal of the respondent No.5 had been blocked/blacklisted. Thereafter, petitioner had approached the respondent No.3 and it was informed that they have issued a letter in support of the fact that the vehicles, regarding which there may have been some issue, are all of BS-VI category.

4. It is contended the petitioner has sent a representation to the respondent-authorities for approval to issue the registration Certificate of the newly purchased Motorcycle on 01.11.2022 from Harpreet Automobiles, Tarn Taran.

5. Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.3-Sub Divisional Magistrate-cum-Registering Authority Tarn Taran is directed to look into the representations dated 01.03.2023 (Annexure P-7) and to pass a reasoned and speaking order thereupon in a time bound manner.

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6. Notice of motion restricted to respondents No.1 to 3 at this stage.

7. Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents No.1 to 3 and he has no objection in the event such prayer of the petitioner as aforesaid is accepted.

8. Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.3-Sub Divisional Magistrate-cum-Registering Authority Tarn Taran to examine the grievance espoused by the petitioner in the representations dated 01.03.2023 (Annexure P-7) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MAY 29, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No