

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3544 of 2018

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Mahesh Yadav Son of Sryug Yadav, Resident of Village- Ramnagar, P.S.-
Baghour, P.S.- Halsi, Dist- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Transport Officer, Patna.
3. Santosh Kumar, Branch Manager, Patna of Tata Capital Financial Service Ltd. Area Patna District- Patna
4. Vikram Kumar @ Vikram Yadav, Son of Ramchandra Yadav, At present housing Colony, Lohiyanagar, Sampatchak, Patna.
5. Pappu Yadav, Son of Ramchandra Yadav, Respondent no.4 and 5 resident of Village- Girhinda, P.S. and District- Sheikhpura.
6. Sanjit Yadav, Son of Prayag Yadav, Resident of Village- Barui, P.S.- Halsi, District- Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Umesh Prasad, Advocate
For Respondent No. 3	:	Mr. Nagedeo Choubey, Advocate
	:	Mr. Dayanand Singh, Advocate
For the State	:	Mr. Sarvesh Kumar, GP24

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

5 04-04-2024 Heard the learned counsel for the petitioner as well as
the learned counsel for the respondents.

2. The writ petition is filed for quashing the transfer memo of vehicle no. BR01GE0741, registered on 24.02.2015 by which the vehicle in question has been illegally and arbitrarily transferred on paper without taking possession of the vehicle by the financing authority, TCFSL, Patna in the name of Vikram Kumar (respondent no. 4) and further commanding the



respondents not to interfere with the peaceful possession of the petitioner over the vehicle in question, which is lying in the possession of the petitioner till date despite the illegal, unauthorized and arbitrary paper transfer in favour of Vikram Kumar (respondent no. 4).

3. The brief facts of the case are that the alleged vehicle having Registration No. BR01GE0741 was purchased by the petitioner on 30.01.2015 for commercial purpose *vide* Model CATERILLAR INDIA Pvt. Ltd/424BBACK LOADER Engine No. 4H32011420992, Chassis No. IMOPZ140786, which was purchased under the financial assistance having an installment of Rs. 5,100/- (Rupees five thousand one hundred only) per month, for 47 quarterly installments.

4. It is the contention of the learned counsel for the petitioner that the petitioner made payment of installment and the last payment was made on 03.06.2017 and the alleged vehicle *vide* Reg. No. BR01GE0741 was sent to Kushbedia, within P.S. Mihijam for cutting soil and the original paper of the vehicle was kept in the vehicle. During the course of cutting the soil, the original paper of vehicle was misplaced and thereafter, a petition along with an affidavit dated 02.11.2017 was made before the Officer-in-charge of Mihijam in order to register



Sanha. The said vehicle was used by the petitioner as well as the respondent nos. 5 & 6 on the basis of agreement dated 15.05.2015, in which the petitioner had to take 50 % of the income as his share and respondent nos. 5 & 6 had to take 25% of the income as their shares respectively.

5. It is further contended by the learned counsel for the petitioner that the petitioner used to give the installment money to respondent no. 5, who honestly used to deposit the money with the financier and it happened till 03.06.2017. Thereafter, respondent no. 3 changed the name of ownership from Mahesh Yadav to Vikram Kumar @ Vikram Yadav, who is the brother of the respondent no. 5 in collusion with respondent no. 2, 5 and 6, without the knowledge or consent of the petitioner. Further, the ownership of the petitioner got terminated on 09.11.2017 and the vehicle was transferred in the name of Vikram Kumar on 17.11.2017, by way of sale. On 27.11.2017, at 12 o'clock, the petitioner was informed by S.P., Lakhisarai that the ownership of the alleged vehicle has been changed and it is in the name of Vikram Kumar (respondent no. 4).

6. Being aggrieved by the said act of the respondent no. 4, the petitioner has lodged a Complaint Case No.



678C/2017 dated 04.12.2017 for the offences punishable under Section 420, 467, 468, 120(B) and 406 IPC against the respondent nos. 2 to 6, pending before learned C.J.M., Lakhisarai, therefore, prayed the Court to direct the respondents to transfer the ownership of the said vehicle in the name of the petitioner.

7. A detailed counter affidavit has been filed by the respondent no. 2, District Transport Officer, Patna, denying all the allegations made in the petition. The counter affidavit disclose when it came to the notice of respondent no. 2 regarding the transfer of the said vehicle by the financing authority, TCFSL, Patna in favour of Vikram Kumar inspite of possession of the vehicle with the petitioner a notice *vide* letter no. 5865 was issued to the petitioner to remain present on 04.09.2023 on District Transport Office, Patna along with the vehicle for physical verification. Accordingly, the petitioner appeared and physical verification of the vehicle was done. Later, the District Transport Officer, Patna after hearing the petitioner and considering the report submitted by the District Transport Officer, Jamtara, Jharkhand passed order dated 04.10.2023, whereby the transfer of ownership of the said vehicle in the name of Vikram Kumar was cancelled and



direction was issued to transfer the ownership of vehicle in the name of the vehicle owner i.e., Mahesh Yadav and accordingly, the transfer was affected.

8. On perusal of the entire records, it is evident that the prayer was made by the petitioner only for transferring of the vehicle from the name of Vikram Kumar to his name (Mahesh Yadav), as he is the original owner of the said vehicle and the said transfer was made in the name of brother of the respondent no. 5 without his knowledge or consent. As per the counter affidavit, it is evident that the prayer of the writ petition has been complied by the respondent no. 2 by duly transferring the vehicle in the name of the petitioner from the name of Vikram Kumar, therefore, nothing remains in the writ petition for further adjudication.

9. With the above observation, the writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

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