

11.12.2024
(D/L-12)
Ct. No.4
(B.K.N.)

F.M.A. 223 of 2024
With
CAN 1 of 2024

Sunita Singh
Vs.
Sachindra Nath Das & others

Mr. Dilip Kr. Samanta,
Mr. Biswapriya Samanta,
Mr. Suhotro Palit
...for the Appellant

Mr. Amal Kr. Sen, Ld. A.G.P.,
Mr. Jaladhi Das
...for the State

1. Heard learned counsel for the appellant and the learned counsel for the respondents as well as the private respondent. The present appellant was private respondent (respondent no. 7) in the writ proceedings wherein the writ petitioner has substantially prayed for a direction upon the respondent authorities under the Motor Vehicles Act to cancel the registration of a vehicle owned by the present appellant. The writ court has directed the authority to consider the writ petitioner's allegations by affording him an opportunity of hearing.

2. It is the private respondent's case that he has purchased a vehicle from the present appellant. The transactions did not go through due to some dishonesty by the present appellant in the transactions. The writ petitioner has also lodged a criminal case against him in this regard.
3. The transactions are alleged to have taken place in the year 2012 and criminal case was lodged in 2015. Eleven years thereafter, in 2023 a writ petition has been filed alleging that the present appellant, (the writ petitioner's alleged vendor) has obtained a No Objection Certificate from his vendor in another State while purchasing the vehicle way back in the year 1984, based on fake or forged documents.
4. From the tenor of the writ petition it is clear that being aggrieved by the fact that the sale transactions between him and the private respondent could not go through he has lodged a criminal case against the petitioner and has been making representations against the petitioner.
5. It is apparent that the writ petitioner has resorted to the writ jurisdiction as a sequel to the earlier action taken by him against the

present appellant. The dispute raised by the writ petitioner is predominantly a private dispute having no element of public law.

6. The learned counsel for the writ petitioner/private respondent has made submissions with reference to Section 55 of the Motor Vehicles Act that Registration of the vehicle in question may be cancelled by the Authority at any point of time, on the existence of certain facts and circumstances which according to him exists in the present case since the present appellant has obtained a No Objection Certificate for inter State Transfer in 1984 on the basis of false/forged documents.
7. In view of the said submission we have examined Section 55 of the act. There is no doubt that it is within the jurisdiction of the competent authority to undertake an exercise for cancelling registration, subject to fulfilment of the conditions contained in the Act. We do not propose to make any observation to the contrary.
8. Having said so we record that the writ petition filed by the petitioner was not claiming any relief in the realm of public law. It was purely a private dispute between the petitioner and

the present appellant arising out of an alleged failed sale transaction taking place in the year 2011 to 2015 between the writ petitioner and the present appellant. It is in this background and context that the writ petition has been filed trying to rake up alleged illegality in obtaining of No Objection Certificate long back, year 1984 by the present appellant. The writ petition in this regard has been filed in the year 2023, raising a private dispute involving disputed questions of fact.

9. It is under such circumstances that we find that the petitioner cannot be permitted to invoke the extra ordinary and discretionary writ jurisdiction under Article 226 of the Constitution of India to settle his private score, with a private individual. The learned counsel for the petitioner has failed to point out any provision in the Motor Vehicles Act whereby and whereunder there is any scope for respondent no. 5, the Registering Authority to adjudicate upon allegations of a stranger/third party regarding the validity/legality of a registration of a Motor Vehicle, 29 years after the registration (in 1984) after affording such stranger an opportunity of hearing. Thus,

there was no scope for the Writ Court to issue such a direction.

10. We find that the writ petition in the circumstances was fit to be dismissed.

11. The writ petition is dismissed and the present appeal stands allowed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)