



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.746 OF 2024

**SHRIKANT BHASKAR GHODKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Shri H.V. Tungar, Advocate for the Petitioner.
Shri P.K. Lakhotiya, AGP for the Respondents/State.

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**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 13th March, 2024

Per Court :-

1. This is an unique case of a vehicle having been plied on the roads without registration, for seven years.
2. The Petitioner is the owner of Maruti Suzuki Swift VDI Diesel car, which he has purchased from the authorised car dealer from Chhatrapati Sambhajinagar on 10.10.2016, having Chasis No.MA3FHEB1S00B68292 and Engine No.D13A2918516. The peculiarity is that this vehicle was used for seven years without registration. The Petitioner paid Rs.22,500/- for acquiring a choice number 'MH-44-K-7733'.

Apparently, the Petitioner has used this number which was only booked by him on payment of the said amount. It is only after registration of the vehicle that such number becomes officially allotted to that vehicle, lest, the said number can be allotted to any other vehicle after 30 days.

3. We are shocked by considering the above facts. Many questions crop up as regards payment of lifetime tax, registration amount, Registration Certificate book, insurance, Fastag, etc.

4. The Respondents are also clueless. The sale certificate in Form-21 has been issued to the Petitioner by the Dealer M/s Pagaria Auto. Hypothecation is with the Axis Bank Limited, Chhatrapati Sambhajinagar. Permanent address of the Petitioner is Samartha Nagar, Kaji (sic. Kaij), District Beed. The certificate in Form-22 has also been issued by Martui Suzuki India Limited and the temporary certificate of registration is issued in favour of the Petitioner, which was valid only from 04.11.2016 to 03.12.2016. Insurance Policy also indicates that it was live from 10.10.2016 to 09.10.2017. There is no renewal.

5. The Respondents have entered an affidavit in reply

through Smt. Sadhana Nagorao Dudhmale, Inspector of Motor Vehicles holding additional charge of Assistant Regional Transport Officer in the Office of Deputy RTO, Ambajogai, District Beed. Various violations on the part of the Petitioner are set out below paragraph 6 of the affidavit in reply. It is further stated that though the Petitioner claims that he has deposited one time tax of Rs.70013/- in the State Bank of Hyderabad vide challan dated 23.11.2016, the inquiry by the office of the Respondents reveals that the Petitioner has deposited one time tax in the Treasury Office.

6. The learned Advocate for the Petitioner submits, on taking instructions from the Petitioner through Whatsapp message, that the vehicle at issue has not met with any accident in the last seven years

7. In view of the above, **this Writ Petition is disposed off** with the following directions:-

(a) The Petitioner would carry the vehicle with all original documents, to the office of Respondent No.2/Deputy Regional Transport Officer at Ambajogai along with original challans of payment of one time tax and purchase of choice

number, on 01.04.2024 at 11:30 AM.

(b) The Respondent Authority at Ambajogai would consider the documents presented by the Petitioner and conduct a thorough verification exercise as regards Chasis number, Engine number and other details of the said vehicle, so as to confirm that it is the same vehicle.

(c) If all documents are in order and if the Rules permit, the formalities prescribed under law for registering the vehicle should be completed.

(d) If there is any legal impediment or violations of any rules by the Petitioner, the Respondents are at liberty to initiate appropriate legal action against the Petitioner as is permissible in law. If the Rules prescribe imposition of costs or penalty, the Respondents are at liberty to take recourse to such action.

(e) Let this exercise be completed on or before 30.04.2024.

7. We are aware that Bharat Stage IV (BS-IV) Diesel vehicles are now obsolete and it is BS-VI which is in vogue. We have not expressed any view that the vehicle should be registered

under BS-IV norms. If there is any legal impediment, the Respondent Authorities are at liberty to follow the due procedure and pass appropriate orders as per the rules.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)