



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Writ Petition NO.478/2024
(Madhukar V State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. Kataria, Advocate for petitioner.
Mr. Badar, APP for respondent.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
DATE : 25-06-2024.

Heard learned Advocate for the petitioner and the
learned APP.

2. The present petition has been filed for quashing and
setting aside notice dated 15-05-2024, issued by the respondents.

3. The petitioner contends that he had applied for a
duplicate fitness certificate of his vehicle bearing registration
No.MH 40 CD 2902 with Regional Transport Office Nagpur
(Gramin) (for short, the "RTO") on 14-05-2024. However, he
received a notice from the said office on 15-05-2024, informing that
the said Authority intends to cancel the registration of the vehicle
owned by the petitioner in view of Section 55(5) of the Motor
Vehicles Act and they have decided to file a complaint before the
Magistrate for the offence under Sections 182, 199, 200, 420, 463,
467, 468 of the Indian Penal Code.

4. Perusal of the impugned notice dated 15-05-2024 would show that it is only the notice calling upon the petitioner to explain as to why the registration should not be cancelled as is observed that certain false documents have been submitted at the time of registration of the vehicle. It appears from the statement made on behalf of the petitioner that, the petitioner has not given any explanation within seven days of the said notice dated 15-05-2024.

5. Learned APP informs upon query and on instructions that the decision has not been taken for cancellation of registration yet, as reply has not been given to the said notice dated 15-05-2024.

6. We would like to rely on the judgment of the Hon'ble Supreme Court in the case of *Union of India and another vs Kunisetty Satyanarayana*, reported at *(2016) 12 SCC 28*, wherein Hon'ble Supreme Court has categorically and consistently held that show cause notice cannot be the subject matter of Writ Petition unless there are certain other points to be considered. Here, the petitioner has not challenged the powers of the RTO to issue the notice and the procedure undertaken. Under the said circumstance, we cannot exercise our powers under Articles 226 and 227 of the Constitution of India or even inherent powers under Section 482 of the Code of Criminal Procedure to quash and set aside the notice.

However, taking into consideration the fact that no final decision has been yet taken, we permit the petitioner to file reply with the said Authority within a period of seven days from today. The RTO, Nagpur (Gramin), to consider the said reply and take decision as per the provisions of law.

7. With these directions, Writ Petition stands disposed of.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)