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W.P.No.32384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32384 of 2024
and W.M.P.No.35161 of 2024

M/s.Lalithaa Jewellery Mart Private Limited,
Represented by its Director,
Rajeshwaran,
123, Usman Road,
T.Nagar,
Chennai 600 017.

... Petitioner

-Vs-

1.The Regional Transport Officer,
Chennai West,
KK Nagar,
Chennai 600 078.

2. The Director,
Enforcement Directorate,
DLZO II,
C Block, Pravartan Bhawan,
Dr.APJ Abdul Kalam Road,
New Delhi – 110 011.

3. The Regional Transport Authority, (HP97)
Sub Divisional Officer (C),
Indora, District, Kangra 176401,
Himachal Pradesh.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying



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for the issuance of a Writ of Certiorarified Mandamus, calling for the records related to the impugned order passed by the first Respondent dated 22.02.2024 passed in R.No.6929 / C3 / 2024 and quash the same and consequently direct the first respondent to re-register vehicle viz.Cadillac Escalade V8 bearing Registration No.HP 97 8070, Engine No.HR247672, Chassis No. 1GYS4JKJ7HR247672, Silver colour without insisting for original Registration certificate / smart Card N.O.C. form the original registering Authority, police report and invoice.

For Petitioner : Mr.D.Ashok Kumar
For R1 : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 22.02.2024, thereby directed the petitioner to produce no objection certificate to re-register the vehicle viz. Cadillac Escalade V8 bearing Registration No.HP978070, Engine No.HR247672, Chassis No. 1GYS4JKJ7HR247672, Silver colour.

2. Heard both sides and perused the materials available on record.

3.The second respondent had seized a vehicle i.e. Cadillac Escalade V8 bearing Registration No.HP978070, Engine No.HR247672, Chassis No. 1GYS4JKJ7HR247672, Silver colour from one, M/s. Orion Enterprises on



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21.08.2021. It was brought to public auction by the second respondent, in which the petitioner participated and he was declared as successful bidder on 19.10.2023 for a sum of Rs.1,90,00,005/-. Thereafter, the vehicle was delivered to the petitioner on 27.10.2023 along with the xerox copies of the records. The petitioner obtained new insurance policy for the said vehicle. Thereafter, the petitioner submitted application for transfer of ownership of the vehicle which was purchased in public auction as per Rule 57 of Central Motor Vehicles Rules, 1989. The seized vehicle was originally registered in State of Himachal Pradesh and as such, the petitioner was insisted to get No Objection Certificate from the third respondent for re-registration of the seized vehicle. As per Rule 57 of Central Motor Vehicles Rules, 1989, no objection certificate is not required for re-registration of a vehicle.

4. It is relevant to extract Rule 57 of Central Motor Vehicles Rules, 1989 as follows:-

“ 57. Transfer of ownership of vehicle purchased in public auction:-

(1) The person who has acquired or purchased a motor vehicle at a public auction conducted by or on behalf of the Central Government or a State Government shall make an application in Form 32 within thirty days of taking possession of the vehicle to the registering authority accompanied by

(a) the appropriate fee as specified in rule 81;



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(b) the certificates of registration and insurance;

(c) the certificate or order confirming the sale of the vehicle in his favour duly signed by the person authorised to conduct the auction; and

(d) the certified copy of the order of the Central Government or State Government authorising the auction of the vehicle

(2) Where the vehicle auctioned is a vehicle without any registration mark, or with a registration mark which on verification is found to be false, the registering authority shall, subject to the provisions of section 44, assign a new registration mark to the vehicle in the name of the Department of the Central Government or State Government auctioning the vehicle and thereafter record the entries of transfer of ownership of the vehicle giving the name and address of the person to whom the vehicle is sold:

[Provided that motor vehicle in the name of the Central Government or State Government shall not be transferred by the concerned registering authority without verifying the proceeding of the auction or disposal of the concerned vehicle].

5. Thus, it is clear that no objection certificate from the concerned Regional Transport Office is not required for re-registration since it is a seized vehicle and the petitioner sought for transfer of ownership and also produced all the copies of the documents which are required under Rule 57 of Central Motor Vehicles Rules, 1989.

6. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed. Accordingly, the impugned order passed by the



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first respondent in R.No.6929 / C3 / 2024 dated 22.02.2024, is hereby quashed.

WEB C The first respondent is directed to consider the petitioner's application in the light of Rule 57 of Central Motor Vehicles Rules, 1989 for re-registration of the vehicle viz.Cadillac Escalade V8 bearing Registration No.HP 97 8070, Engine No.HR247672, Chassis No. 1GYS4JKJ7HR247672, Silver colour which was purchased by the petitioner in public auction, on merits and in accordance with law, within a period of two weeks from the date of receipt of copy of this order.

7. With the above directions, this writ petition is allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

29.10.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J.

mn

To

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