

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CWP-3880-2023

Date of decision: 12.01.2024

ASHOK KUMAR (SOLE PROPERITOR OF M/S AASHI TEXTILES)

.....Petitioner

VERSUS

DEPARTMENT OF TRANSPORT GURUGRAM AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Ambanshu Sahni, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondent No.1.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking issuance of directions to respondent No.1 i.e. Department of Transport, North Gurugram to issue Registration Certificate in favour of M/s Aashi Textiles in respect of Car bearing No. HR26DF6789 make and model Audi Q7.

2. Reply on behalf of respondent No.1 has been filed wherein it has been averred as under:

“3. *That as per the provisions of the Act section 50 (2)(b) the person who has purchased a motor vehicle or acquired at a public auction conducted by or on behalf of Government has to follow the mandatory requirement of the Act which reads as follows:*

"The person succeeding to the possession of the vehicle or, as the case may be, who has purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee and within such period as may be prescribed by the Central Government."

4. That for purpose of registration of the vehicle or transfer of ownership in the State of Haryana, the Government of Haryana, Transport Department has published procedure for transfer of ownership of vehicle online which is available to the public at large, and the documents required for the proof of residence of transferee in whose name it is being transferred, as per Section 50 of Motor Vehicles Act, 1988 referred above are as follows:

Documents Required:

Proof of Residence of transferee (in whose name it is being transferred)

Documents accepted under Proof of Residence:

- Passport - Passport serves as both Age and Residence proof
- Electoral Roll/ Voter ID
- Proof of legal presence in India in addition to proof of residence in case of foreigners
- Electricity/ Telephone/ Water Charges Bill
- Certificate of registration in case of firm or company
- Certificate issued by Principal of educational institution in case of students residing in hostel
- Rent deed / Rent agreement

- House allotment letter issued by government department
- Employers certificate in case of Central Govt./ State Govt./ Local Bodies/ Pvt. Ltd. Company supported by attested copy of ID card
- Registration Certificate
- Insurance Certificate

5. *That in view of the mandatory provisions of the Motor Vehicle Act referred above, the petitioner has not complied with the conditions and he has not submitted any document referred above to show his place of residence or business or any office within the jurisdiction of Gurugram Registration Authority and even within State of Haryana.*

6. *That since the petitioner having its residence and place of business within the jurisdiction of Delhi therefore the vehicle can only be registered within the local jurisdiction of State of Delhi after getting the NOC from the registration authority Gurugram from where the vehicle AUDI bearing registration no. HR26DF6789 is registered originally as provided under form 28. Hence, in view of the non-complying of the mandatory provisions of the act, the ownership of the said vehicle cannot be transferred in the name of the petitioner within the Jurisdiction of State of Haryana.*

3. Learned State counsel contends that the petitioner has never approached the respondent-Transport Department with the requisite documents as has been specified thereunder and that in the event the petitioner so approaches the concerned authority with the requisite documents as stipulated under the Motor Vehicles Act, appropriate decision shall be taken thereupon.

4. Learned counsel appearing on behalf of the petitioner even though disputes the above said claim made by the respondent, however, he fairly submits that he shall approach the respondent-authorities with all the requisite documents afresh.

5. The present writ petition is disposed of without commenting on the merits of the present case with a direction that in the event of the petitioner applying to the respondent-department of Transport/Registering authority for registration of the aforesaid vehicle alongwith the requisite documents within a period of 04 weeks, a decision on such a request shall be taken and be conveyed to the petitioner after granting an opportunity of hearing. The requisite decision may be taken within a period of 02 months of submission of such a request.

The writ petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 12, 2024

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No