

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

204 (two cases)

Date of Decision: 09.01.2024.

(1)

CWP-21311-2015 (O&M).

HARTEJ SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

(2)

CWP-21460-2015 (O&M).

HARTEJ SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: None for the petitioner(s).

Mr. Sehajbir Singh Aulakh, AAG, Punjab,
for respondents No.1 to 3 in CWP-21311-2015 and
for respondents No.1 to 4 in CWP-21460-2015.

None for respondent No.4 in CWP-21311-2015.

Ms. Gehna Vaishnavi, Advocate,
for respondent No.5/Union of India in CWP-21311-2015 and
for respondent No.6/Union of India in CWP-21460-2015.

Mr. Ashish Sharda, Advocate,
for respondent No.5 in CWP-21460-2015.

VINOD S. BHARDWAJ, J. (ORAL)

Since the issue involved in the present two writ petition is common, hence, the same are being decided by a common order.

For the facility of reference, facts are being extracted from CWP-21311 of 2015 titled as 'Hartej Singh Vs. State of Punjab and others.'

Challenge in the present writ petition is to the registration of vehicle bearing No.PB-10-BL-0011 (Annexure P-6).

The petitioner who is one of the partners of the partnership firm and is running business under the name and style of M/s Luxury Limo Land, has filed the present writ petition against the business rival. It was alleged that a left hand driven vehicle has been registered with the respondent-Department. The said decision to grant registration certificate was challenged as being in violation of the provisions of the Motor Vehicles Act, 1988. Reliance was also placed on the other similar matters i.e. CWP-11709-2015 and CWP-20405-2015. Both the said writ petitions have already been withdrawn by the respective writ petitioners.

Learned State counsel, on the other hand, has referred to the provisions of Sections 120 and 121 of the Motor Vehicles Act, 1988 which reads as under:-

“120. Vehicles with left hand control.—No person shall drive or cause or allow to be driven in any public place any motor vehicle with a left-hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature and in working order.

121. Signals and signalling devices.—The driver of a motor vehicle shall make such signals and on such occasions as may be prescribed by the Central Government: Provided that the signal of an intention to turn to the right or left or to stop—

(a) in the case of a motor vehicle with a right-hand steering control, may be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle; and

(b) in the case of a motor vehicle with a left hand steering control, shall be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle:

Provided further that the State Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt subject to such conditions as may be specified therein any motor vehicle or class or description of motor vehicles from the operation of this section for the purpose of plying in that area or route.”

It is thus contended that the provisions of the Motor Vehicles Act, 1988, empower the Registering Authority to register left hand driven cars subject to fulfillment of the requirements as prescribed thereunder. It is contended that the requisite compliances had been done by the affected respondents and as such the registration of the vehicle cannot be said to be in violations of the provisions of the Motor Vehicles Act, 1988.

Learned counsel for the Union of India contends that she has no instructions in both the matters.

There is no representation on behalf of the petitioner(s) as well. It is informed that the registration of Vehicle No.PB-10-BL-0011 in CWP-21311-2015 is valid till 23.12.2024 and registration of vehicle No.PB-12G-0016 in CWP-21460-2015 is valid till 27.02.2025 respectively.

The matters pertain to the year 2015. The cases were passed over to await presence on behalf of the petitioner(s), however, no one has come present even when the cases have been called for second time. It seems that the petitioner(s) has no subsisting interest in the present writ petition(s).

Dismissed for non-prosecution.

Pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

A photocopy of the order be placed on the file of connected case.

January 09, 2024
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(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No