

22.04.2025
Court No. 2
Item No. 67
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 1343 of 2024

Sri Rajesh Kallani
Versus
The Union of India & Ors.

Ms. Rajashree Venkat Kundalia.(VC)
Mr. Subham Ghosh.
Mr. Mayank Roy.
.....for the petitioner.

Mr. Subir Kumar Saha. Ld. A.G.P.
Mr. Nabankur Paul.
... for the State.

1. The petitioner claims that he is in possession of the vehicle bearing Registration No. WB-74M8786, registered in the name of AURIC RETREADERS, a partnership firm.

2. Allegation is that one of the partners of the said partnership firm has lodged a complaint before the Additional Regional Transport Officer, Siliguri in response to which the vehicle of the petitioner has been enlisted in the list of blacklisted vehicles and the vehicle has been restrained from being transferred.

3. The petitioner complains that the moment the petitioner is taking out the vehicle on the road; he is being inconvenienced by the police authority who are stopping and intercepting the vehicle.

4. The petitioner refers to the communication of the Director, MVL Section of the Ministry of Road Transport and Highways, Government of India dated 3rd April, 2023 in support of the submission that blacklisting of a vehicle on VAHAN can be done only by the parent RTO and the vehicle can be flagged or blacklisted only for the purpose of transaction.

5. It is the specific case of the petitioner that the parent RTO of the subject vehicle is Darjeeling. No steps have been taken by the parent RTO against the said vehicle. Step taken by any other authority to blacklist the vehicle is bad in law and liable to be set aside.

6. It has been submitted that there is no intention on the part of the petitioner to change the ownership of the subject vehicle; hence, the same ought to be removed from the list of blacklisted vehicles.

7. Prayer has been made to direct the authority to remove the vehicle from the list of blacklisted vehicles.

8. Learned advocate representing the State respondents denies the allegation of the petitioner that the vehicle is intercepted by the police on the road while plying or any inconvenience is caused to the petitioner as and when the vehicle is taken out for plying on the road.

9. It has been submitted that the communication of the Motor Vehicles Department dated 3rd April, 2023, relied upon by the petitioner, applies only if there is change of ownership.

10. Learned advocate for the State respondents submits that one of the partners of the partnership firm, namely Pradeep Kallani, has expired and complaint was lodged by Rekha Kallani, a partner of the partnership firm, before the registering authority so that the ownership of the vehicle is not changed.

11. On a perusal of the writ petition it appears that, no specific instance has been mentioned by the petitioner evidencing that the vehicle was ever stopped or intercepted by the police while plying on road.

12. Enlistment of the vehicle in the list of blacklisted vehicles of VAHAN is only to restrict transfer of the vehicle.

13. It appears that there is actually a dispute between the partners of the firm and in response to a complaint lodged by one of the partners alleging that the petitioner may take step to sell/change ownership of the vehicle; the authority placed the vehicle in the list of blacklisted vehicles.

14. The communication of the Ministry of Road Transport and Highways dated 3rd April, 2023, relied by the petitioner, contains a provision to place the vehicle in the list of blacklisted vehicles if a complaint is lodged with the registering authority alleging transfer in certain situations. The authority acted in terms of the said communication only to prevent transfer of the ownership of the vehicle. It does not appear that there is any restriction in plying of the vehicle.

15. Submission of the petitioner that blacklisting cannot be done by the Siliguri authority, cannot be accepted by the Court. From the documents annexed to the writ petition it appears that the vehicle of the petitioner is registered with the Registering Authority, Siliguri. For all practical purpose it has to be taken that the parent RTO of the vehicle is the place where the vehicle has been registered. That being so, Siliguri authority cannot be faulted in taking steps to blacklist the vehicle in response to the complaint lodged by one of the partners of the partnership firm in whose favour the vehicle is registered. Such step taken is only to prevent unauthorized transfer.

16. The dispute between the parties is absolutely private in nature. Writ jurisdiction of the Court ought not to have been invoked for settlement of the same.

17. In view of the above, the Court is not inclined to exercise jurisdiction in the matter.

18. It will be open for the petitioner to approach the competent forum for relief, if so advised.

19. The writ petition stands disposed of.

20. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)