IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19690 of 2026
Date of Decision: 2.11.2026

Suneel Kumar

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Sanket Sankhyan, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondents No. 1 & 2.
Mr. Arvind Sharma, Senior Advocate with Ms. Kiran Sharma, Advocate, for respondents No. 3 & 4.

Sandeep Sharma, J. *(Oral)*

Petitioner herein, who has purchased the taxi bearing registration No. HP 01B 6363 (Make,Model, Chassis No. MA1TA2TDKJ2J3302 and Engine No. TDJ4J8989918), is aggrieved on account of non registration of aforesaid vehicle despite repeated requests.

2. Having regard to the nature of order proposed to be passed, this Court sees no necessity to call for reply on behalf of the respondents, who otherwise are represented by Mr. Ravi Chauhan, learned Deputy Advocate General and Ms.Kiran Sharma, Advocate.

3. Precisely, the facts of the case as emerge from the pleadings and other material adduced on record by respective parties are that vehicle in question was owned by person namely Pradeep Kumar. Since the vehicle was hypothecated with the bank, it, on account of default in repayment of loan, proceeded to sell the vehicle in auction held on 25.02.2025. Petitioner herein purchased the vehicle in auction, but fact remains that till date vehicle registration is not being done in his name, as such, he is compelled to approach this Court in the instant proceedings praying therein for the following reliefs:

> "(i) That issue a writ of mandamus or any other suitable writ, order or direction, directing respondent No. 2, Regional Transport Officer, Bilaspur, to registration/transfer of vehicle bearing Registration No. HP-01B-6363 in favor of the petitioner and to issue Certificate of Registration in favour of the petitioner.
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> (ii) In the alternative, direct Respondent No. 3 - State Bank of India to refund the full auction sale consideration amounting to Rs. 4,63,000/- along with interest, if the transfer is not possible due to any legal bar beyond the petitioner's control."

4. Precisely the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Sanket Sankhyan, learned counsel representing the petitioner is that though CWP No.3929 of 2025 filed by original owner of the vehicle namely Pradeep Kumar stands dismissed vide judgment dated 16.07.2026 (Annexure P8), but yet Regional

Transport Officer, Bilaspur, is refusing to register the vehicle in the name of the petitioner, who is auction purchaser.

5. Mr. Arvind Sharma, learned Senior Advocate, representing the respondent-bank fairly admits factum with regard to sale made in favour of the petitioner of the vehicle in auction proceedings. He states that since judgment dated 16.07.2026 passed by this Court in CWP No. 3929 of 2025 has attained finality coupled with the fact that Section 52(B) of the Motor Vehicles Act makes it incumbent upon RTO to register the vehicle purchased in auction proceedings, there is no impediment, if any, for concerned RTO to register the vehicle.

6. Mr. Ravi Chauhan, learned Deputy Advocate General after having carefully gone through the averments contained in the petition and documents annexed therewith, also supports the submission made by senior counsel representing the respondent-bank.

7. Once it is not in dispute that the petitioner herein has purchased the vehicle in auction, coupled with the fact that action of selling the vehicle in question in auction proceedings initiated at the behest of the respondent-State Bank of India has been upheld by this Court vide judgment dated 16.07.2026 passed in CWP No. 3929 of 2025, there appears to be no reason to not register the vehicle in the name of the

petitioner. Till the time orders, if any, passed by competent court of law thereby restraining RTO concerned to register the vehicle in the name of the petitioner are not produced, RTO concerned cannot refuse to register the vehicle in question in the name of the petitioner.

8. Vide judgment passed in LPA No. 557 of 2026, appeal preferred by original owner Pradeep Kumar against judgment passed by this Court already stands dismissed and as such, this Court sees no impediment in accepting the prayer made in the present petition and accordingly, same is allowed with direction to the RTO Bilaspur to ensure that vehicle bearing registration No.HP 01B 6363 is registered in the name of the petitioner, being auction purchaser, within two days, failing which aforesaid authority would make himself liable for penal consequences as well as contempt of court. In the aforesaid terms, present petition is disposed of along with pending applications, if any.

November 02, 2026 **(Sandeep Sharma),**
(manjit) **Judge**