
(2010) 11 GUJ CK 0030
In the Gujarat High Court

Case No : Special Civil Application No. 8694 of 2002

Alpesh Kumar Navinchand Jaiswal

APPELLANT

Vs

Regional Transport Officer and Others

RESPONDENT

Date of Decision : 19-11-2010

Acts Referred:

Citation : (2010) 11 GUJ CK 0030

Hon'ble Judges : Akil Abdul Hamid Kureshi, J

Bench : Single Bench

Advocate : D.K. Nakrani, for the Appellant; A.L. Sharma, Asst. Government Pleader, for the Respondent

Judgement

Akil Kureshi, J.—Heard learned advocates for the parties.

2. The Petitioner is challenging the action of the Respondents in detaining his vehicle, namely, Luxury Bus bearing No. GRP 3589 having original Chassis No. 94658 and Engine No. 74376. The vehicle was detained on 7.12.2000 by the R.T.O authorities on the ground that the Chassis number and Engine number of the vehicle did not tally with the R.T.O records.

3. It is not in dispute that the Chassis number of the vehicle detained did not match with the original Chassis number of the vehicle purchased by the Petitioner. According to the Petitioner this was so because due to an accident, the Petitioner had to change the Chassis number by purchasing it from the open market. The Petitioner purchased the same from scrap, however, admittedly without any prior or post intimation to the R.T.O authorities.

4. The counsel for the Petitioner submitted that during the period of 10 years when the custody of the vehicle remained with the R.T.O authorities, its condition has completely deteriorated and it is not possible to use the vehicle on road. The Petitioner only desires to sell the same as scrap. He would also apply to the R.T.O authorities for cancellation of the registration.

5. Learned Assistant Government Pleader, however, submitted that on the vehicle bearing Chassis No. SWE-311397 there were huge unpaid R.T.O dues.

6. It is not the case of the R.T.O authorities that the vehicle is a stolen property or the Petitioner is not the owner thereof. It, however, is an admitted position that the Petitioner changed the Chassis number of the vehicle without any permission or intimation to the R.T.O authorities. Be that as it may. The Petitioner, now, does not desire to ply the vehicle and the same would also not be roadworthy after 10 years of detention.

7. In fact, in the facts and circumstances of the case, I am of the opinion that the Petitioner should be permitted to dispose of the vehicle as scrap under the supervision of the R.T.O authorities. The R.T.O authorities, however, cannot seek to recover the dues of the past owner of the vehicle of the said Chassis No. SWE-311397, which are admittedly not the dues of the Petitioner.

8. In view of the above discussion, the Respondents are directed to permit the Petitioner to firstly cancel the registration of the vehicle and secondly dispose of the same under the supervision of the officer that may be deputed by the R.T.O authorities for the said purpose on the condition that the vehicle will be disbanded and shall not be put to use on road.

9. With the above directions and observations, this petition is disposed of. Rule is made absolute to the above extent. Direct service permitted.