
(1995) 05 RAJ CK 0002

In the Rajasthan High Court

Case No : Civil Writ Petition No. 6081 of 1994

Kishore Mishra

APPELLANT

Vs

The District Transport Officer and Another

RESPONDENT

Date of Decision : 23-05-1995

Acts Referred:

Motor Vehicles Act, 1988 — Section 47, 48

Citation : (1995) 2 WLN 285

Hon'ble Judges : M.P. Singh, J

Bench : Single Bench

Judgement

M.P. Singh, J.—The petitioner purchased a truck and got it registered with Registering Authority, Thane (Maharashtra) in 1985.

2. Later on the vehicle was brought to Rajasthan in the same year and an application was filed u/s 47 of the Motor Vehicle Act, 1988 before the Registering Authority, Jaipur for transferring the registration. More than ten years have passed but nothing has been done as far.

3. The only objection of the learned Counsel appearing on behalf of the respondents was that the petitioner has not filed the copy of the No Objection Certificate obtained from Thane and, as such, the registration could not be done. In my opinion, the objection has no merit.

4. The assignment of the registration mark on removal of the vehicle to another State is done u/s 47 of the Motor Vehicles Act, which provides that when a motor vehicle registered in one State, has been kept in another State, for a period exceeding one year, the owner of the vehicle shall within such period and in such form containing such particulars as may be prescribed by the Central Government, apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration to that registering authority.

5. The said vehicle has been purchased under hire-purchase scheme, so u/s

47(3) it is the duty of the registering authority that after assigning the vehicle a registration mark under Sub-section (2) he shall inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase or lease or hypothecation agreement, by way of sending to such person a notice by registered post acknowledgment due at the address of such person entered in the certificate of registration the fact of assignment of the said registration mark.

6. However, "No objection" Certificate is also required to be issued u/s 48 of the Act by the authority where it was initially registered. Since the registering authority, Thane, is not issuing the No Objection Certificate and the matter is pending for the last so many years, the applicant cannot be held to be responsible for any lapse. He may satisfy the registering authority, Jaipur that he has already made an application for No Objection Certificate before registering authority, Thane but it is not being issued.

7. For the reasons given above, I direct the Registering Authority, Jaipur to discharge the obligation contemplated u/s 47 of the Act and register the vehicle by assigning new registration mark within a period of one month from the date of filling the certified copy of the order before him.

8. The petition is accordingly disposed of.