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Kailash Singh Vs. Assistant Regional Transport Officer (Administration) and anr.

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Court : Allahabad

Decided On : Jul-15-2002

Reported in : 2002(4)AWC2631

Judge : S.K. Sen, C.J. and ;Ashok Bhushan, J.

Acts : Uttar Pradesh Motor Vehicles Taxation Rules, 1998 - Rule 22

Appeal No. : C.M.W.P. No. 2010 of 2002

Appellant : Kailash Singh

Respondent : Assistant Regional Transport Officer (Administration) and anr.

Advocate for Def. : S.P. Kesarwani, S.C.

Advocate for Pet/Ap. : A.K. Dixit, Adv.

Disposition : Petition dismissed

Judgement :

S.K. Sen, C.J.

1. Heard Shri A. K. Dixit, learned advocate for the petitioner and Shri S. P. Kesarwani, learned standing counsel for the respondent.

2. The counsel for the petitioner contended that documents of the vehicle has been surrendered on 29.1.2000. Our attention has been drawn to Annexure-1 to the writ petition. A perusal of Annexure-1 to the writ petition reveals that said document is only an application seeking no objection certificate. There is nothing on record to show that the petitioner has complied with the provision of Rule 22 of U. P. Motor Vehicle Taxation Rule, 1998, wherein the procedure has been prescribed in the case of withdrawing the vehicle from use.

3. It is well-settled that where a provision is made in a statute prescribing the particular procedure, that particular procedure has to be followed and in the event of non-compliance of that procedure, no benefit can be claimed by a person.

4. In view of the above, there is no infirmity in the order dated 18.6.2002. We are not inclined to grant any relief to the writ petition.

5. The writ petition being without any merit fails and is dismissed.

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