

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

- WP (C) no. 669/2021**
CM no. 1985/2021 c/w
i) **WP (C) no. 777/2021**
CM no. 2300/2021
ii) **WP (C) 789/2021**
CM no. 2370/2021

Zahoor Ahmad Bhat

.... Petitioner(s)

Through: Mr S. F. Qadiri, Sr. Advocate with
Mr Altaf Mehraj, Advocate
Mr Faisal Javid, Advocate
Mr Kacho Manzoor Ali Khan, Adv

V/s

Government of JK and others

... Respondent(s)

Through: Mr H. Amaan Ali, Dy. AG

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge
Hon'ble Mr Justice Vinod Chatterji Koul, Judge

ORDER
21.04.2021

Mr Akramullah Tak, KAS, RTO Kashmir, present through virtual mode, submits that the decision to notify the impugned circular was taken in a meeting convened by the Secretary to the Government, Transport Department for ensuring screening of the vehicle which bear the non-local registration. The officer upon being pointedly asked as to whether any exercise is undertaken to meet the requirements of Section 46, 47 and 50 of the Motor Vehicles Act, by the Transport Department, submits that he has no records to that effect.

Since the officer was not in a position to satisfactorily demonstrate the origin of the impugned circular and his authority to issue it, the court feels it appropriate to ask the officer present to file his affidavit before the court by tomorrow indicating therein as to what necessitated the issuance of impugned circular and remain present in person along with records on the next date.

Ordered accordingly.

The Secretary to the Government, Transport Department, Civil Secretariat, Jammu, shall also remain present through virtual mode tomorrow.

Pendency of these petitions shall not form any impediment for the Transport Authorities to screen the vehicles with non-local registration mark for checking their veracity vis-a-vis the documents and the bonafide entry of the such vehicles into the territorial limits of J&K Union Territory. Such exercise, however, shall be undertaken by the officials of the Transport Department only.

Registry to send a copy of the order to the Secretary, to the Government, Transport Department and the learned counsel for the parties.

List tomorrow viz. 22nd April, 2021.

(Vinod Chatterji Koul)
Judge

(Ali Mohammad Magrey)
Judge

Srinagar
21.04.2021
Amjad Lone PS

