

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

Writ Petition No.2124 /2020

Musarat Ullah

versus

Government of Pakistan through Secretary Excise & Taxation & 3 others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	10.08.2020	Mr. Muhammad Muazzam Butt, Advocate for petitioner.

Through this writ petition, the petitioner has prayed for following relief:

"It is therefore, very humbly prayed that appropriate writ may please be granted prayed as follow;

- I. The action and inaction of respondent No.2 refusing the registration of transfer of the Motor Car Registration Plate No.ES-012 ICT in favour of petitioner may be declared as not in accordance with law, unlawful, malafide and without jurisdiction.*
- II. Consequently the respondent No.1 & 2 may be directed to transfer the motor car no Motor Car Registration Plate No.-ES-012 ICT in the name of the petitioner.*
- III. Subject to the submitted of any other registered document by the respondent No.2 which may suggest the containment of same description of the vehicle as of the petitioner, then the respondent No.2 may be held responsible for illegal and unlawful action of more than one registration book containing the same description of vehicle as of petitioner as such the registration book issued by the Excise Department in favour of any third person may be directed to be cancelled and simultaneously the respondent company may be burdened with the damages/compensation to the petitioner for releasing two vehicles of the same description or more than one vehicle of the same description.*
- IV. Any other relief which may found appropriate may also be granted to the petitioner.*

2. Learned counsel for petitioner contends that petitioner has purchased Toyota Corolla Altis, Model 2015, bearing registration No.ES-012-ICT after due verification against

sale consideration of Rs.1,580,000/-. When the petitioner approached the Excise and Taxation Department, Islamabad (Respondent No.2) for transfer of vehicle in his name, it revealed to him that another vehicle having same description as of petitioner's vehicle is already registered in favour of another person, whereupon the petitioner requested respondent No.2 to inquire into the matter and take appropriate legal action against those illegal transferee of the vehicle, but no fruitful result has been achieved and all the actions of respondent No.2 are illegal.

3. In view of above position, learned counsel for petitioner has been confronted regarding maintainability of instant writ petition as no impugned order has been appended with this petition for judicial review of this Court, especially, when the Excise and Taxation Department has not yet issued any written order, rather refused the transfer of vehicle in the name of petitioner.

4. Be that as it may, no action could be taken in this writ petition in absence of a written order, therefore, instant writ petition is hereby converted into a representation and the office is directed to transmit copy of this writ petition to the Excise and Taxation Officer, Islamabad, who shall pass a speaking order within the period of 15 days after hearing the petitioner in accordance with law and explain as to why the vehicle in question has not been transferred in the name of petitioner and if there is another vehicle having similar description as of petitioner's vehicle, legal action be initiated against the delinquent(s) in accordance with law. A report in this regard be placed for perusal of this Court in chamber.

5. The instant writ petition is hereby **DISPOSED OF** in above terms.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.