

گاریوں کے جعلی کافیات و سروں کے نام بنانے کے خلاف رٹ ایکورٹ نے پورٹ مانگ لی

رшوت سے کام چلایا جاتا ہے، احمد و یسیم ٹرست کے صدر کی رٹ میں موقف

لائبر (نامہ نام) لائبریلی کورٹ نے محکمہ ایکسائز کی جانب
کے غافل وائز رٹ درخواست پر کیکری ایکسائز سے جواب
سے چھپی کی گاریوں کے ملکی کافیات کی مشکلی کے اقدامات
طلب کر لیا ہے۔ یہ رٹ درخواست میں فقط احمد و یسیم ٹرست
کے صدر قاضی مصمرے وائز کی اور موقف اختمار کی کہ محکمہ
ایکسائز کے امکان چوری کی گاریوں کے کافیات و سروے لوگوں
کے مامن مخل کر دیئے ہیں اور اس رشوت پانڈی کو روکا ہیں جو



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IN THE LAHORE HIGH COURT LAHORE.

W.P.NO. 21970 /96

Hakeem Fazal Ahmed Welfare Trust through Fayyaz Mansoor its President ,916-C Canalview Housing Society, Thoker Niaz Beg (Upper portion), Lahore.

.....Petitioner

VS

1. Government of Punjab through Secretary Excise and Taxation Civil Secretariat, Lahore.
2. Secretary Excise & Taxation, Government of the Punjab, Civil Secretariat, Lahore.

..... Respondents

PETITION: Under Article 199 of the Constitution of Islamic Republic of Pakistan.

.....

Respectfully Sheweth:

1. That the Petitioner, a Trust created for charitable and Welfare purpose and has been registered with the Punjab Government. Mr. Fayyaz Mansoor is it's President and is competent to file the present petition on it's behalf.
2. That a very important matter relating to registration of Motor vehicles has caused alarm in the General Public because of the ~~ever~~ rising instances of car lifting and false registration of vehicles with different Motor Registering Authorities created under Motor Vehicle Ordinance 1965 and

3.....That these laws were created when there were a very small number of cars in the country and keeping record of the same was not a very difficult job.The instance of Theft and misuse of Vehicles on account of registration laws were very negligible.

4 That now due to advancement in technology and ever increasing flow of motor vehicles in Paskistan, the laws promulgated in 1950s and 1960s regarding registration and other related matters of motor vehicles have become deficient. The machinery provided by these laws has become totally inadequate to cope with the needs of the day. But the respondents are not taking any step to remedy the wrong being done to the public and to the Government Exchequer.

5 That according to Articles 23 and 24 of the Constitution of Islamic Republic of Pakistan, every citizen has a right to require, hold and dispose of property and also that no one shall be compulsarily deprived of the property save in accordance with law. The real situation is that due to shortcomings in the law applicable to the subject, the cars or other vehicles are frequently stolen and are sold to the unscrupulous ready customers or sometimes even to unaware purchaser who do not trouble to check it out whether the vehicle is stolen one or not. The deficiency of the law becomes more accentuated when one sees that even when a careful purchaser wants to check it out whether vehicle is a stolen one or not, due to shortcomings of the law applicable to the subject, it is next to impossible under the existing law to come to a definite conclusion that a vehicle is stolen or not. The inability and inadequacy of the law is also evident from the fact that when a purchaser of a used car purchases the one and wants to get it transferred to his name, the Motor Registering Authority at the time of transfer, endorses the registration book with a statement that the 'transfer on Purchaser's own risk'. Copy of one such transfer is annexed as annexure 'A'.

6. That this way the respondents in fact allow the theives to indulge in their illegal activities more freely which results in denial of rights as gauranteed by Articles 23 and 24 of the Constitution of Islamic Republic of Pakistan.

7. That there is no check on Purchaser of the car who gets the car purchased on "OPEN LETTER" and though the law requires that the registration should be transferred within 30 days. He keeps the open letter with him and sells the car to a new purchaser without his name ever appearing on any official paper. This way sometime though the vehicles are transferred five to six times yet names of the subsequent transferees donot appear on any Government record. Law needs to be amended in a way which proves more efficient in compelling the new purchaser to get the car transferred to his name within the stipulated time, which may be increased from one month to three months. By not getting the transfer incorporated in government record, the purchaser also avoids payment of government dues, which results in loss of revenue to the exchequer. This way the stolen cars are also easily sold as the new purchaser always finds it next to impossible to check it out with the concerned Government department whether the car belongs to the person who has stolen it or selling it fraudulantly and also it is impossible for him at the time of deal to get a comparison of signatures of the person selling the car and the real owner of the car. The absence of any penalty in case of non-registration in favour of a new purchaser makes the requirement of getting the transfer incorporated with the Motor Registering Authority nugatory.

8. That due to increase in the incidents of theft of the cars, the cars are more frequently used in commission of offences which makes it more difficult for the Police to trace the real culprits and this way the lives and properties of the people are put in more danger than unavoidable which is denial of the fundamental rights as gauranteed in Articles 9 ,23 and 24 of the Constitution of Islamic Republic of Pakistan. In this regard it appears more appropriate if the transfer from one owner to another should not be allowed to take place unless the

same is effected before the concerned Government officer of the Motor Registering Authority. In this case the government should take the responsibility of the genuineness of the documents and also of the person who sells the car. This will also contribute in enhancement of the collection of government revenue as well as protection of fundamental rights.

9. That the copy presently issued to owner of the vehicle showing the registration of the vehicle in his name, is impossible to be kept in a wallet or in a pocket. This also results in keeping the book in the vehicle itself, which makes it more convenient for the theives to steal the car and to transfer it more easily. It is also noteworthy that with the passage of time ; the writing on the registration book also wearsout and particulars of the vehicles such as engine number and chassis number are not visible which also makes it easier to transfer the stolen vehicles and also to sell a vehicle on the registration book of another vehicle. It appears advisable if the registration book is replaced with a registration card of the size of National Identity Card which can be kept in a wallet which will certainly decrease the number of instances involving transfer of stolen vehicles. This way, the record can also be changed from the registers to computer which will make it easier to keep the record and also to check particulars of the vehicles and it's owner. This will also result in safeguarding the fundamental rights. The violation of fundamental rights is not necessarily an active violation involving positive acts but the same can be a pernicious one on part of the Govt. and the legislature when they do not take steps to amend the Laws so as to protect the fundamental rights of the citizens.

10. That the papers on the basis of which a new vehicles is registered by a Registering Authority, are not verifiable at present. The papers of Excise department are forged by some unscrupulous persons and the conditions of law and record keeping being as it is next to impossible to verify whether

the papers purporting to be those issued by Customs department are genuine or not. The sudden increase in impounding of vehicle registered with Motor Registering Authorities on the allegation of non-payment of Customs duty is a manifestation of this lacuna in law.

11. That due to shortcomings in law the smuggled cars are registered with the aid of employees of different Motor Registering Authorities who after obtaining illegal gratification, suggest different ways of getting the same registered and also shows ways to the people of forging documents.

12. That the petitioner has no other adequate remedy available to it except to invoke the constitutional jurisdiction of the Honourable Court.

It is therefore respectfully prayed that an order may kindly be made declaring that the Motor Vehicles Ordinance 1965 so far as it relates to registration of vehicles (especially Chapter III Form 'F' of the first schedule) are inconsistent with and in derogation of fundamental rights as provided in Articles 9, 23 and 24 of the Constitution of Islamic Republic of Pakistan.

It is further prayed that the respondents may also be directed to bring the law in conformity with the provisions of the Constitution of Islamic Republic of Pakistan and also the every day needs of the modern age.

Any other relief to which the petitioner is found entitled may also be granted.

Petitioner

(FAYYAZ MANSOOR)

Through

FAROOQ AMJAD MEER
Advocate High Court,
1-Farid Kot Road,
Lahore.

ORDER SHEET

LAHORE HIGH COURT, LAHORE

APPEAL/REVISION No.

1986

Habibul Fazal Ahmed Welfare Trust

versus

APPELLANT
PETITIONER

Court of P.

RESPONDENT

Appeal/Revision against the decree or order (as the case may be) of _____

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
1	2	3
	20.11.1996.	<p>Mr. Farooq Amjad Mir, Advocate.</p> <p>Learned counsel for the appellant submits that the writ petition out of which the present appeal has arisen was filed by the appellant himself thereby making a grouse in regard to certain acts of omission and commission of the respondents but the same could not be properly laid in that petition. In the circumstances, it is submitted that the appellant may be allowed to withdraw the writ petition so as to file a fresh petition stating therein concised facts so as to limelight the real questions for adjudication of this Court.</p>

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
1	2	3
Akram.		<p>In the circumstances this appeal is disposed of with the direction that the writ petition out of which the present appeal has arisen shall be deemed to have been withdrawn with permission to file a fresh petition on the same cause of action.</p> <p>Disposed of in the above terms.</p> <p style="text-align: right;">(Ihsanul Haq Chaudhary) Judge."</p> <p style="text-align: center;">(Amir Alam Khan) Judge</p>

ORDER SHEET

LAHORE HIGH COURT, LAHORE

APPEAL/REVISION No. 18939 198

Farzal Ahmed I
versus
Govt of Pak

APPELLANT
PETITIONER

RESPONDENT

Appeal/Revision against the decree or order (as the case may be) of

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
1	2	3
	20.10.1996	<p>Petitioner in person</p> <p>Petitioner, a contractor by profession, claiming to be President of the within mentioned social welfare organization has recoursed to the present petition with a view to seeking a direction in nature of mandamus tending to secure certain amendment in the Motor Vehicle Ordinance 1965 and lifting of ban on import of reconditioned automobile.</p> <p>During the course of hearing whereof, despite the query couldn't make out the case for the sought for relief which admittedly pertains to the legislative affairs of the concerned organs. Resultantly, the same fails and is hereby dismissed in limine.</p> <p style="text-align: right;"><i>[Signature]</i></p> <p>Judge</p>

(4)

ORDER SHEET

LAHORE HIGH COURT, LAHORE

W.P. No. 21970 of 1996.

APPEAL/REVISION No. _____ 19

versus

APPELLANT
PETITIONER

RESPONDENT

Appeal/Revision against the decree or order (as the case may be) of _____

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
1	2	3
	3.12.1996.	<p>Mr. Farooq Amjad Meer, Advocate, for the petitioner.</p> <p>It is argued that the respondents are not performing their duty in the best interest of the public and have failed to take effective measures to curb the theft of vehicle. It is added that many difficulties could be solved simply by steam lining the system.</p> <p>2. <u>Admit. Notice.</u></p> <p style="text-align: right;"><i>Ex-Order.</i></p> <p style="text-align: right;">(IHSAN-UL-HAQ CHAUDHARY) JUDGE.</p> <p style="text-align: left;">M. Ashraf.</p> <p>8/12/1996</p>

DEPOSIT RECEIPT
LAHORE HIGH COURT, LAHORE

No. 209 3960

Dated 12-11-68

I acknowledge to have received from Parry Harry

C. S. Jha.

the sum of Rs.

5 Three and

(Rs. 5/-) on account of

Set - 10934.00/-

ance with Deposit Order No. 258

Dated 12-11-68

C. S. Jha.

TREASURER
LAHORE HIGH COURT, LAHORE

OUNTERSIGNED

lote—For refund of unexpected Balance, this receipt should be produced.

Vehicle transfers now to be completed within 3 days

R - Mise

LAHORE - Provincial Excise & Taxation Department has announced that cases pertaining to transfer of vehicles and new registrations at the most will now be completed within three days.

"We have set a three-day time frame for either processing the case accordingly or in writing stating the reasons for not doing the job, on a special objection sheet to be filled and provided by the staff," said Director, Excise & Taxation, Muhammad Sarfraz Wafa on Wednesday.

He informed that Inspectors have also been appointed close to the windows of the authority offices in order to create direct inter-action among the applicants and staff concerned.

He said that it was decided that every case should be noted in a diary first, then the Inspector would process it the same day. Later, as per nature of the case, it should be cleared within three days, or department would come up with an excuse in written citing the objections.

Wafa said that the staff of the Motor Registration Authority (MRA) had successfully completed the transfer of Vehicle Owner-

By Munawar Hasan

ship Drive as almost 99 per cent cases have been processed. He said that around 50,000 transfer cases were processed during the drive raising an amount of Rs 50 million under the head of Transfer Fee.

Admitting the problems like delays and attitude of the employees being faced by people while processing their cases, he said that keeping in view the quantum of work, the staff with limited resources have done the work. Director E&T said that over 2,000 people have been contacting the offices of the Authority daily in this connection against the normal routine of 300-400 people daily.

"We did not appoint extra staff for this purpose," he asserted. Wafa said that overall performance of the authority should be appreciated, especially keeping in view the available resources and congestion in the building.

To a question, he said that some documents of the applicants may be misplaced from the record due to huge piles of the files.

However, he added, we are providing duplicates to such applicants. But he said that the ratio of these cases were not even reporta-

ble.

It may be noted that apathy of the Excise Department officials caused several problems for the people who wanted to have the vehicles transferred in their names. People had been complaining on various occasions about the attitude of staff and their absence at the desk or counters especially after 1:00 pm.

But after greasing the palms even the work which looks impossible to get done, is done by staff or by the agents who charge Rs 400 per case.

People say that agents are hand in glove with department officials in the business.

PML ex-MPAs to chalk out strategy for LB polls

By Our Staff Reporter

LAHORE - A joint session of the Punjab Parliamentary Party of Pakistan Muslim League (PML) will be held in the first week of September in order to chalk out unanimous line of action for the forthcoming Local Bodies elections.

This was decided at -

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